ARIEL SHARON'S LEGACY
PETER BERKOWITZ

the weekly Standard

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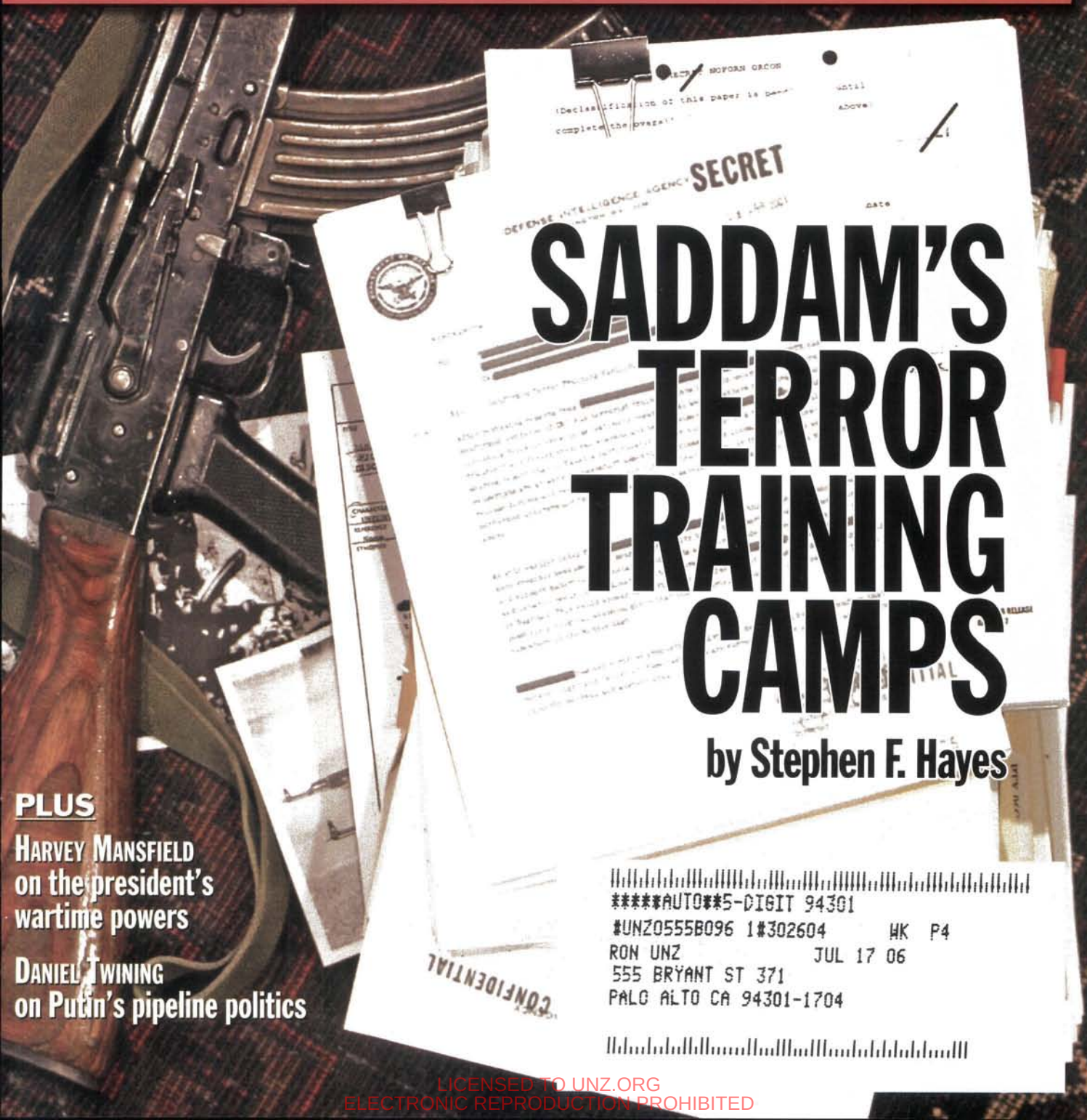

SADDAM'S TERROR TRAINING CAMPS

by Stephen F. Hayes

PLUS

HARVEY MANSFIELD on the president's wartime powers

DANIEL TWINING on Putin's pipeline politics

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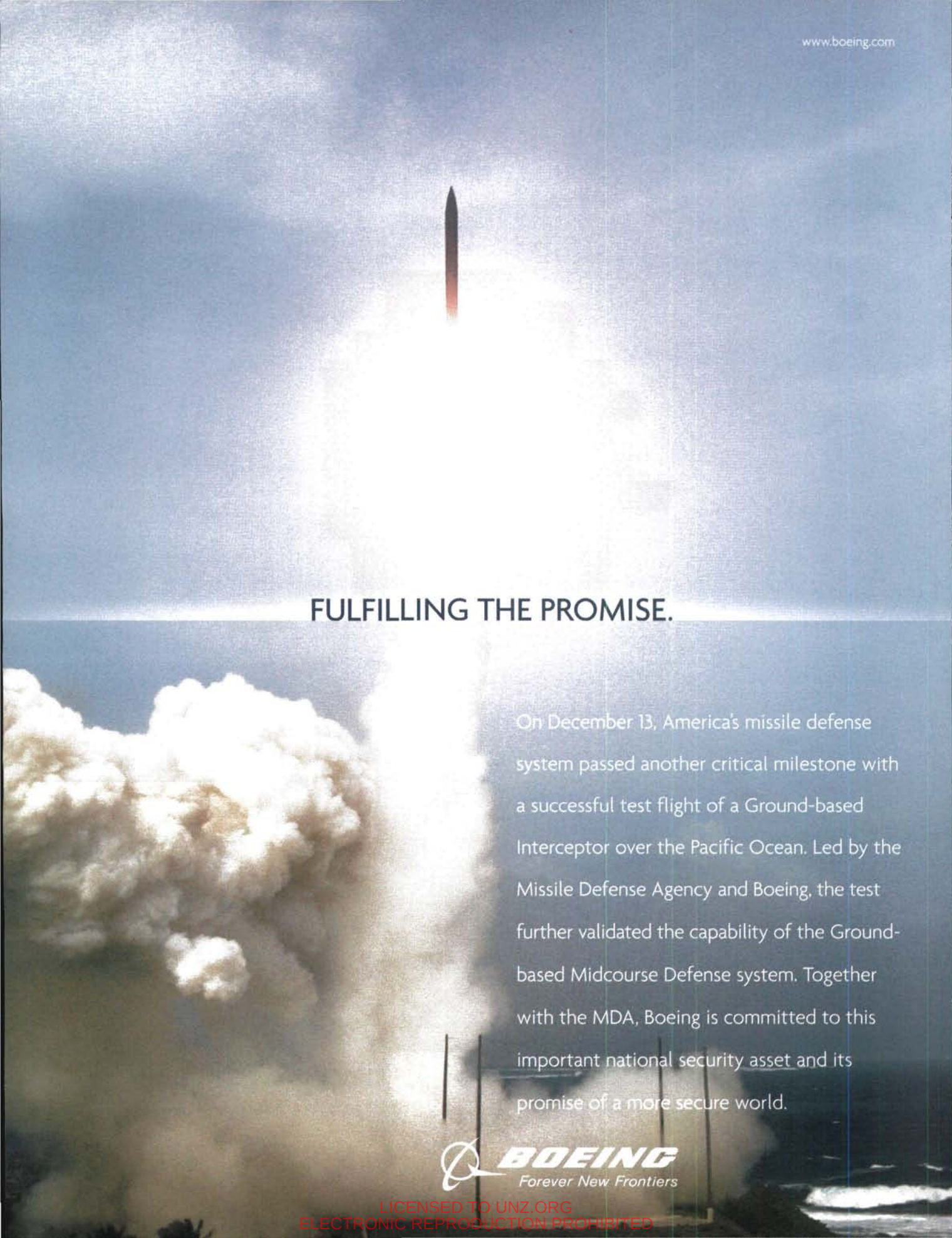

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Upton Sinclair's Ethics

We missed this over the Christmas break, but it's the best 75-year-old breaking news story of 2005: The *Los Angeles Times* reported on December 24 that an Orange County lawyer and collector, looking through a box of papers at an auction house, stumbled across a 1929 letter from famed muckraker Upton Sinclair to his attorney. In the letter, Sinclair describes "the most difficult ethical problem of my life at that point."

A couple of years before, he had gone to Boston to cover the trial and execution of the anarchists Sacco and Vanzetti. As Jonah Goldberg aptly noted in a column last week, the two Italian immigrants became, thanks in large part to skilled propagandists like Sinclair, "props in a passion play about the evils of the U.S. in the 1920s." But before completing his book on the left-wing martyrs, a novel called *Boston*, Sinclair met with the pair's defense attorney, Fred Moore. What Moore told him sent Sinclair "into a panic."

"Alone in a hotel room with Fred, I begged him to tell me the full truth," Sinclair wrote to his attorney. "He then told me that the men were guilty, and he told me in every detail how he had framed a set of alibis for them." Another lefty legend bites the dust.

As Sinclair confessed to his lawyer, "I had come to Boston with the announcement that I was going to write the truth about the case." But the story made "much better copy as a naïve defense of Sacco and Vanzetti because this is what all my foreign readers expect, and they are 90% of my public."

Hmmm. Let's examine the horns of this dilemma. On the one hand, he could write the truth. On the other, he could lie so his fans would keep buying his books. Call us dense, but we don't see a "difficult ethical problem" here. ♦

Imus's Vanity

Thinking back to the mid-'90s, the last time most Americans thought about Don Imus, THE SCRAPBOOK can't quite remember why it started to revile the radio talker. Was it because he had all of Howard Stern's arrogance, and none of his talent? Was it because he'd turned into a bore who slurred on endlessly about his excruciating obsessions, like his brother's tortilla chips and the collected works of Doris Kearns Goodwin? Was it his *Brokeback Mountain* cowboy outfit, his toadying child bride, his fancying himself a rebel while sucking up to rich and powerful Washington pundits? We can't remember exactly. We're not one to dwell on the past.

But after a refresher course in the February *Vanity Fair*, we now recall why we can't stand Imus: because he's a megalomaniacal git. Thanks, Graydon Carter! Fresh off last year's episode, in which he charmingly called Contessa Brewer, the newsreader on his MSNBC simulcast, "a pig . . . dumber than dirt . . . that's why they have those big double-doors there at MSNBC, you know, so they can get her fat ass in makeup," Imus proves to be in similarly fine form with the *Vanity Fair* interviewer.

Over the course of a week-long hangout with the writer, Imus barks at his limo driver when the ride isn't smooth enough, obsesses over whether he looks handsome in his cowboy costume, throws a schoolgirl tantrum when MSNBC preempts his radio show for hurricane coverage, calls Chris Matthews "that idiot," calls fellow MSNBCer Tucker Carlson "a pussy," calls Bill Frist "a f—ing criminal," all while holding himself up as "an American icon" and asking, "Do you know how absolutely powerful I am?"

Now THE SCRAPBOOK can't vouch for Matthews or Frist, but we happen to know Tucker Carlson, a former colleague. Imus seems to have an unhealthy obsession with Carlson's manhood. Last year, he threatened to "whip his ass"—this, mind you, after Carlson had gone on Imus's show and defended Brewer (she of pig/dumber-than-dirt fame) and after a petulant Imus had therefore dumped Carlson in the middle of the segment, reminding us of the "tough guys" we knew in school who'd tell you on the bus what they would've done to their schoolyard nemesis had they not had to go home to Mom.

We're no fight handicappers, but if Imus persists, we think Carlson could make short work of him, and not just because of the 70-year age difference. On the other hand, it may be hard to strike a clean blow, given how far Imus keeps his head lodged up the posteriors of frequent guests like Frank Rich, Tim Russert, and Howard Fineman. ♦

Republican Reprisals, Democratic Manners

There was an amusing divergence in how David Kirkpatrick treated the anonymous sources in his walk-up to the Alito hearings in the *New York Times* last week.

First we heard from "two of Judge Alito's supporters who participated in the murder boards, speaking about the confidential sessions on condition of

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anonymity *for fear of White House reprisals . . .*" Farther down the page we read of "two Democratic aides briefed on his meeting with Senator Charles E. Schumer, Democrat of New York. . . . The aides, *speaking anonymously because the meeting was private . . .* " (Emphasis added.)

Reprisals, by the way, is a loaded word in the *Times* lexicon. Here are some of the other parties meting out reprisals in the paper's news columns over the course of the last month: the Communist Chinese government, Iraqi insurgents, New Jersey gang members, French police, and the Islamist murderer of Dutch filmmaker Theo van Gogh.

In so many words, then, the Republicans are thugs, the Democrats gentlemen. Nice. ♦

Marion Barry, Neoliberal?

Washington, D.C., city council member Marion Barry got held up January 2 by two men who had offered to help him "carry groceries" into his Southeast Washington apartment. The former crack-smoking mayor's press conference the next day made us wonder whether he was familiar with Irving Kristol's observation that a neoconservative is a liberal mugged by reality and its corollary—formulated by Michael Scully—that a neo-liberal is a liberal mugged by reality who then refuses to press charges.

"I have no animosities," Barry said. "I don't even want you prosecuted, really. I love you. Give yourself up. Call the police. . . . I will do all I can to advocate non-prosecution."

Barry also confessed to hurt feelings. "There is a sort of an unwritten code in Washington, among the underworld and the hustlers and these other guys, that I am their friend. . . . I was a little hurt that this betrayal did happen."

On second thought, maybe he's just a paleocriminal. ♦

Vice Verso

In publishing news, THE SCRAPBOOK has just received the April-August 2006 catalogue of lefty publisher Verso, in which can be found a promo for Karen Finley's new novel *George & Martha*, "an outrageous political satire by America's most daring performance artist and writer." It goes on: "George and Martha meet in a seedy motel room on the night before the Republican National Convention. Their affair goes way back, before George stole the election, before Martha built an empire on fascist domesticity. As usual, George numbs his pain over waging perpetual war with cocaine and the promise of kinky sex. Martha is forced to take a long view of her life as she suffers the public humiliation of corporate scandal, on the brink of going to prison . . ."

You get the picture. Finley used to be a National Endowment for the Arts grantee; now she seems to be making her way in the private sector. Who says there's no progress? ♦

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Casual

Winter in Venice

Venice is a town, and Italy is a country, where the quality of the panettone is of greater concern than the quality of the nation's central banker. When Italy's central-banker-for-life was forced to resign amid charges of corruption in mid-December, no one save some politicians and the financial press seemed remotely as interested in that event as they were in securing favorite delicacies for Christmas and New Year's. It's as if Americans, informed that Alan Greenspan had been caught selling favors to banks on the merger trail, yawned—meanwhile lavishing attention on fine distinctions between recipes for gingerbread, or latkes, as the case may be.

Of course, the Italians have it right. The proper preparation of the seven courses of seafood traditional for Christmas Eve matters to them up close and personal; the probity of the head of the Bank of Italy only at a distance. Since Italy traded in its multi-zero lira for the euro, it is the European Central Bank that sets interest rates, which might or might not coincide with Italy's economic interest. In fact, by definition the Europe-wide rate cannot be in the interest of both inflation-prone Italy and inflation-free Germany.

The typical Venetian family knows that shopping with care at the truly fabulous fish, fruit, and flower markets that dot their city will provide the basis for sumptuous holiday feasts. But only a few investors bother poring over currency markets. After all, what can Italians do about the exchange rate? When their shoe and textile industries find themselves priced out of world markets because the euro is overvalued relative, say, to the artificially low Chinese currency, Italy can't hope for the natural adjustment that would have lowered the value of the bygone lira and made its goods competitive in world markets.

So people talk about Prime Minister Silvio Berlusconi's latest cosmetic surgery and hair implants, while the country stumbles along with a zero growth rate and a government incapable of instituting the reforms that everyone says are necessary. The trade unions won't allow the pension system to be fixed; the prime minister increases the stranglehold his television properties have on the media industry; and the legislature is absorbed with the need to immunize leading politicians from prosecution—persecution, if you're on their side—by judges who are either the last bastion of integrity or a corrupt and overweening branch of government, depending on your point of view.

Darren Gygi

How irrelevant it all seems in Venice, a city whose winter charms include the cordiality of its residents, the stylishness of its women in their fur coats and sunglasses, and the strangeness of some of the local practices and priorities.

Thus, in a country where corruption is said to be endemic, where tax evasion is the national sport and the observance of many laws is casual, the new ban on smoking is rigorously enforced. There is simply no smoking in public places—bars, hotels, dining rooms. It is entirely possible that if the extent of compliance with the tax laws were as great as that of compliance with the smoking ban, Italy's treasury would be bulging with cash.

Then there are the immigrants. Venice is overrun with what Venetians identify as "Nigerian" street vendors selling illegal knock-offs of brand-name merchandise—Gucci, Louis Vuitton, Prada. And they do it at the best locations, directly in front of the stores selling the genuine article. Should a cop hove into view, the vendors quickly pack their merchandise into large bags and wait until the officer has strolled past, apparently blind to these "Nigerians" loitering with their huge canvas bags.

But don't think the authorities are not taking steps to put a stop to the theft of intellectual property and trademarks. Posters and leaflets warn the tourist: "Bad Bag. Don't buy it. Non comprarla. Kaufen Sie sie nicht. Ne l'achète pas."

These leaflets give new meaning to caveat emptor: "The City Government of Venice has decreed a fine of 10,000 euros also for the buyer of these products." The "also" is rather precious, since no fine is specified for the other parties to the transaction, identified as "the maker," "the boss," and "the seller." In fact, the admonition to avoid the knock-offs is accompanied by this sympathetic explanation of the street vendors' plight: "For many it is the only possible job because they are illegal immigrants."

Never mind. Venice remains the jewel in Italy's crown, at least for the tourist—a maze of winding streets, each with its own architectural treasure; the square dominated by the Doge's Palace that Ruskin described as "the central building of the world"; and a citizenry that prides itself on its pro-American attitude. Only a cynic would attribute that last to the fact that the American tourists are the town's biggest spenders.

Irwin M. Stelzer

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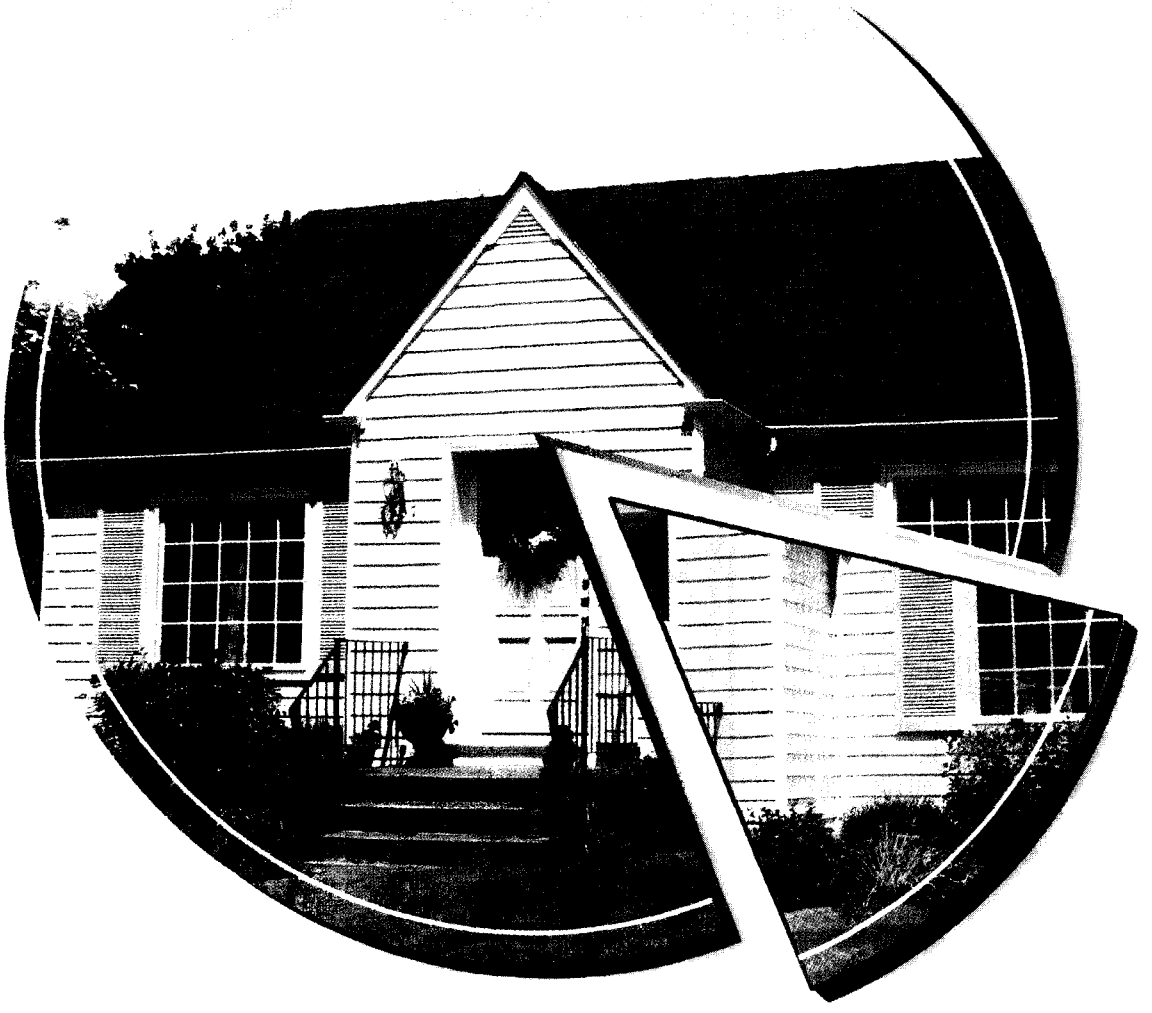

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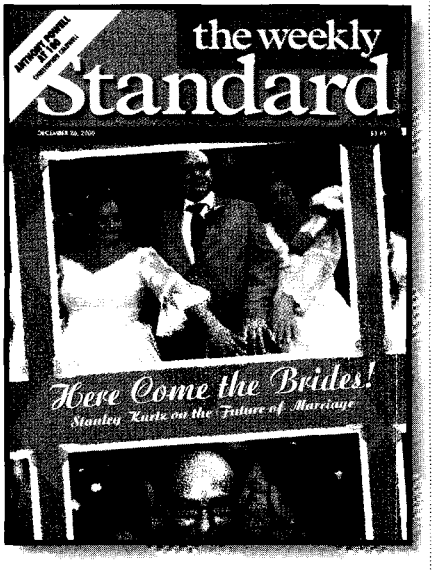
Concerning Cyprus

Christopher Hitchens's "Cyprus Betrayed" (Dec. 5) is based on the lie that, as he claims, "history shows virtually no example of fratricide between Cypriot Greeks and Cypriot Turks when left to themselves." If this were true, the 1974 Turkish intervention would be unjustifiable, and one should sympathize with Greek Cypriot complaints about breaches of their human rights. The truth, however, is that just over three years after the British "left them to themselves," the Greek Cypriots launched a genocidal attack on their Turkish counterparts. This is usually dismissed as "intercommunal fighting" but was carried out according to a premeditated Greek Cypriot scheme called the "Arkitas Plan," as was reported in American and British newspapers. For example, on December 31, 1963, the *Guardian* wrote, "It is nonsense to claim, as the Greek Cypriots do, that all casualties were caused by fighting between armed men of both sides. On Christmas Eve many Turkish Cypriot people were brutally attacked and murdered in their suburban homes." On February 17, 1964, the *Washington Post* reported that "Greek Cypriot fanatics appear bent on a policy of genocide." After these attacks, Turkish Cypriots became refugees in their own land. When Britain did nothing, Turkey intervened and established a safe haven in the north, where we live to this day.

Putting expediency before principle, the U.N. and the E.U. have failed to condemn the appalling behavior of the Greek Cypriots. Instead, the Greeks were given jurisdiction over all of Cyprus, while the Turkish Cypriots were frozen out of almost every international organization. The 2004 Annan plan, which called for the return of Turkish Cypriot property and a phased withdrawal of Turkish troops, gave Cypriots an opportunity for reconciliation. Though it was endorsed by the international community as a fair basis for settlement, the Greek Cypriots rejected it.

Ugur Karagözlü
Office of the London Representative
Turkish Republic of Northern Cyprus
London

Christopher Hitchens responds: Ugur Karagözlü should write his propaganda letters to magazines whose readers cannot distinguish between lies and half-truths, or perhaps confine himself to the sphere in which the bravest Turks like Orhan Pamuk are deemed to be enemies



of the state. I did not seek to exculpate Greek or Greek Cypriot chauvinists, who were responsible for the original coup in 1974, among many other things.

However, and as he well knows, there had been no intercommunal mayhem in Cyprus until June 7, 1958—towards the close of British rule—when a bomb was left outside the Information Office of the Turkish consulate in Nicosia. The resulting shock led some Turkish Cypriots, inspired and led by extremists from the mainland, to burn and loot a neighboring Greek quarter and thus to inaugurate a very low point of mutual sectarianism. In 1984, the Turkish proxy Rauf Denktash (self-proclaimed first "president" of the unrecognized semi-colony that Karagözlü claims to represent) made the following statement on British television: "Later on, a friend of mine, whose name will still be kept a secret, was to confess to me that he had put this little bomb in that doorway in order to create an atmosphere of tension."

Commenting on this outrageous admission, which was delivered with a complacent smile, one Turkish Cypriot columnist, Kutlu Adali, wrote in the Nicosia newspaper *Ortam* that he wondered if Denktash wanted to make any other confessions while he was about it. In the meanwhile, as he wrote, "after this bomb incident many innocent Turks and Greek Cypriots died, many persons were wounded and crippled, and thus for the first time the separation of Turks and Greeks by barbed wire was secured and the nonsolution extending to our own days was created."

If Karagözlü does not know of this background, he is only trying to deceive himself. If he does know of it, then he is trying to deceive his readers. He makes a pathetic spectacle of himself in either case.

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Just the Facts

It's conventional wisdom. In fact, it's more than conventional wisdom. It's an article of faith among the enlightened: There was no connection, at least no significant connection, between Saddam Hussein's regime and al Qaeda and other terrorist groups.

Senate minority leader Harry Reid put it this way: "There was [sic] no terrorists in Iraq." His colleague, Carl Levin, member of both the Armed Services Committee and the Intelligence Committee, says Iraq's relationship with al Qaeda was "nonexistent."

Senators Reid and Levin are Democrats, to be sure. But few prominent Republicans have challenged these assertions. And the Bush administration has been as quiet as a mouse—and just as meek. So the conventional wisdom reigns.

We have long dissented from this conventional wisdom. We have argued in these pages that the connections between Saddam and terrorists were substantial and significant. Stephen Hayes—among others—has reported over the past three years on extensive evidence of terror ties to Saddam's regime. In our judgment, the evidence for such ties has become more convincing, not less, as more information has become available.

Can we ever really know the whole truth—or almost the whole truth? Yes. How? Let us—all of us—read the mass of documents captured after the fall of the Saddam regime. Stephen Hayes's reporting, including his article in this issue, suggests to us that these documents would confirm the argument for a terror connection. But let everyone make up his own mind, based on his own reading of the documents.

So: The U.S. government should release the documents. It should authenticate documents where possible, and then release them promptly, as they are authenticated. Or, if that is too onerous a process—and lots of time has already gone a-wasting—it should simply release all the documents, perhaps with whatever is known about their provenance and likely authenticity, and let news organizations, experts, and others make their own judgments.

Aren't most of these documents classified? Actually, no. And why should they be? After all, Saddam's regime is gone, all the information is at least three years old—and where there are still actionable items relating to individuals, that information could of course be redacted. Perhaps a few documents could not be released. But a great many could be.

In fact, some of these documents have already been the subject of media reports:

(1) A 1992 internal Iraqi Intelligence memo lists Osama bin Laden as an Iraqi Intelligence asset in "good contact" with the Iraqi Intelligence section in Damascus. The Defense Intelligence Agency told *60 Minutes* the document is authentic.

(2) Another internal Iraqi Intelligence memo, this one from the mid-1990s, reports that a Sudanese government official met with Uday Hussein and the director of the Iraqi Intelligence Service in 1994, in order to set up meetings between bin Laden and Iraqi Intelligence in Sudan. According to the Iraqi document, bin Laden was "approached by our side" after "presidential approval" for the liaison was given. The former head of Iraqi Intelligence Directorate 4 met with bin Laden on February 19, 1995. Bin Laden requested that Iraq's state-run television network broadcast anti-Saudi propaganda; the document states that the Iraqis agreed to honor this request. The al Qaeda leader also proposed "joint operations against foreign forces" in Saudi Arabia; there is no Iraqi response provided in the documents. When bin Laden left Sudan for Afghanistan in May 1996, the Iraqis sought "other channels through which to handle the relationship, in light of his current location." The IIS memo directs that "cooperation between the two organizations should be allowed to develop freely through discussion and agreement." Pentagon analysts told the *New York Times* that the document appears authentic.

(3) Another set of Iraqi Intelligence documents were recovered by two journalists scouring the bombed-out headquarters of the Iraqi Intelligence Service in Baghdad. The documents, taken from the IIS accounting department, show that on February 19, 1998, the Iraqi Intelligence Service had finalized plans to bring a "trusted confidant" of bin Laden's to Baghdad in early March. The following comes from the *Telegraph*'s translations of the documents:

> The envoy is a trusted confidant and known by them. According to the above mediation we request official

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permission to call Khartoum station to facilitate the travel arrangements for the above-mentioned person to Iraq. And that our body carry all the travel and hotel expenses inside Iraq to gain the knowledge of the message from bin Laden and to convey to his envoy an oral message from us to bin Laden, the Saudi opposition leader, about the future of our relationship with him, and to achieve a direct meeting with him.

A note at the bottom of the page from the director of one IIS division recommends approving the request, noting, "we may find in this envoy a way to maintain contacts with bin Laden." Four days later, on February 23, final approval is granted. "The permission of Mr. Deputy Director of Intelligence has been gained on 21 February for this operation, to secure a reservation for one of the intelligence services guests for one week in one of the first class hotels."

The al Qaeda emissary came to Baghdad on March 5, 1998. Notes in the margins of the Iraqi Intelligence memos indicate that someone named, or using the name, Mohammed F. Mohammed stayed as the guest of Iraqi Intelligence in Room 414 of the Al Mansour Melia Hotel. The documents note that bin Laden's envoy extended his trip by one week, departing on March 16. The U.S. intelligence community has these documents and believes that they are authentic.

***

Why can't the American public be permitted to read these documents in their entirety—and all the rest?

The Bush administration has shied away from engaging the issue of Saddam and his terror ties. This is both foolish and unmanly. The president is neither. It is past time that he insist that his subordinates get the facts out. Then we can have a serious debate, and reach a better-grounded judgment, about the terror connection. Our reporting so far convinces us of the reality and the significance of the terror connection. But we want all the facts—and we trust the purveyors of the conventional wisdom will join us in asking for all the facts as well.

—William Kristol

The Worst of *Times*

What if the CIA or FBI should catch wind of an imminent plot to blow an American airliner out of the sky? "Should the government disclose terrorist threats to the public and let passengers make their own decisions about how to react?" Not all that many years ago, the *New York Times* editorial page believed that *even here* "the answer ought to be no." Sure, hundreds of lives might be saved, in the near term, by such an announcement. But at what cost to the nation's most highly classified and clandestine counterterrorism programs?

"Terrorist threats are not just another species of consumer information," the *Times* reminded its readers; "they are a form of intelligence that depends on secrecy in collection, expertise in interpretation and extreme care in dissemination." Bad guys read the newspaper, too, in other words. And even well-intentioned public disclosures might give those bad guys an advantage: "Valuable sources of intelligence would dry up as terrorists aware of information leaks sought to eliminate the leakers." Best to keep everybody in the dark.

That was in April 1989. As recently as November 2000, the paper of record still thought it "understandable" for the government to investigate and prosecute media leaks that compromise "the secrecy of the nation's most sensitive intelligence gathering systems." Programs involving "electronic intercepts and other data obtained by advanced satellites and other devices" were a particular concern. The more they learned about American signals intelligence capabilities, after all, the easier it would become for our "adversaries to cut off access to vitally important information about threats to the United States." So "responsible news organizations" would want to be especially "mindful of the security concerns" when reporting on these surveillance initiatives.

Meanwhile, responsible news organizations might also want to consider explicitly endorsing a joint congressional investigative committee's call for the extension of such surveillance to U.S.-based targets. "The CIA and the National Security Agency, which does electronic eavesdropping, will also have to devote more of their efforts to analyzing international terrorist threats inside the United States," the *New York Times* announced in July 2003.

Now, over two years later, the *Times* has decided to reveal that on the very day its editorial page offered this suggestion, just such an NSA domestic surveillance effort was already underway, on orders from the president. And all of a sudden, responsible news organizations everywhere are loudly warning that the End of Democracy is nigh. It is an *outrage* that George W. Bush did what the *New York Times* recommended—according, most notably, and weirdly, to the *New York Times* itself.

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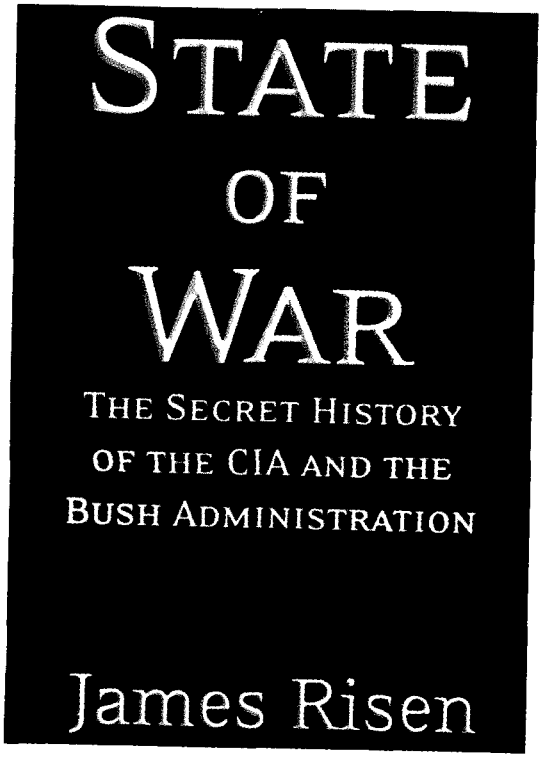
But what did the president actually do? And what exactly is so outrageous about it?

THE WEEKLY STANDARD candidly confesses that we've never been entirely clear on these last two points. And, now having read *State of War*, the just-published book-length exposé of Bush administration "covert lawbreaking" by *Times* national security correspondent James Risen, THE WEEKLY STANDARD further confesses that we are more confused than ever.

According to the jacket-flap bio, Risen, principal co-author of his paper's vaguely sourced NSA-spying scoop last month, lives with his wife and three sons at an unspecified location "outside Washington, D.C." There he was presumably obliged to communicate with his sources by means of dead-drop microfiche deposits in hollowed-out tree stumps. Which is to say: Risen's new book, too, is vaguely sourced—and vague in many other key respects, as well, for that matter. Nevertheless, no better-detailed account of the NSA surveillance program in question has yet appeared in print. The story, as Risen tells it, goes like this:



Beginning in early 2002, the National Security Agency began monitoring telephone numbers and email addresses discovered in the computers, cell phones, and address books of captured al Qaeda operatives, and it has continued to do so, following resultant leads into an expanding, digital network of terrorism suspects. Even by Risen's account, an overwhelming majority of the program's targets are located overseas—currently "about 7,000 people" abroad, along with "about 500" other people they've contacted here in the States. Just the same, because nowadays "many purely international communications—telephone calls and email messages from the Middle East to Asia, for example—end up going through telecommunications switches that are physically based in the United States," eavesdropping on any call so routed "might be a violation of the regulations and laws restricting the NSA from spying inside the United States."

It was, of course, through a superabundance of caution about what "might" be a violation in such circumstances that American counterterrorism investigators notoriously failed to monitor certain phone calls and email traffic exchanged by the 9/11 conspirators. And it was to clarify that American counterterrorism investigators should never make such a mistake again that President Bush seems to have signed the NSA surveillance order that's now got everybody's underwear in such a wringer.

James Risen repeatedly calls the program "illegal," but offers not a single word of serious statutory or constitutional analysis to sustain the conclusion. He complains that, "for the first time since the Watergate-era abuses, the NSA is spying on Americans again, and on a large scale"—a reference, once more, to those 500 al Qaeda email buddies he's mentioned, who together represent 1.7 ten-thousandths of one percent of the U.S. population. Shifting gears, Risen next raises alarm over the possibility that NSA *could* begin domestic spying on a large scale if it wanted to; "there seems to be no physical or logistical obstacle" preventing it at present. Neither does there seem to be any physical or logistical obstacle preventing NSA from sneaking into James Risen's bathroom and stealing his toothbrush, of course. The question remains: Why on earth would they want to?

And the answer seems to remain, as it always ultimately does, that the NSA is currently to be feared because the NSA currently takes its orders from George W. Bush and the "neo-cons" whom Bush is "controlled by." And these people are *demonic*.

Among the "most worrisome aspects" of the NSA program, Risen writes, is its place in a much "broader series of policies and procedures" that now "threaten to erode civil liberties in the United States." He mentions but a single example: "In 2002, the U.S. military expanded its role inside the country with the creation of the new Northern Command, the first military command in recent history that is designed to protect the U.S. homeland. The creation of Northern Command has already raised the specter of military intelligence agents operating on U.S. soil, permanently developing new links with local law enforcement agencies, particularly near large military bases."

Imagine: Our military now has a specific assignment to guard and defend the territorial United States, and certain of its base-command officers might eventually establish cordial relations with the police departments in neighboring communities.

God help us all.

—David Tell, for the Editors

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The Friends of Jack Abramoff

They're not all Republicans.

BY MATTHEW CONTINETTI

"THIS IS A REPUBLICAN scandal," Harry Reid, the Democrats' leader in the Senate, told *Fox News Sunday* host Chris Wallace in December. Wallace had asked Reid about his relationship with Jack Abramoff, the lobbyist who last week pleaded guilty, in two separate investigations, to five counts of mail fraud, tax evasion, wire fraud, and conspiracy. Reid said there was no relationship. "Abramoff gave me no money," he said. "So don't lump me in with Jack Abramoff."

Reid might not have taken money directly from Abramoff, a lifelong Republican and conservative activist, but he did accept donations—some $66,000 worth—from Abramoff's clients, Indian tribes operating casinos throughout the United States. And Reid's willingness to do so, and his reluctance to return the Abramoff-related funds, as many of his Republican colleagues have done, suggests that Washington's latest lobbying scandal may be more complex than partisans have let on, and more difficult for Democrats to make partisan hay out of than pundits now think. Consider another example.

On February 2, 2002, Abramoff wrote an email to his lobbying partner Michael Scanlon. "I'm on the phone with Tigua! Fire up the jet, baby, we're going to El Paso."

"I want all their MONEY!!!" Scanlon replied.

Until the previous month, the Tigua tribe had operated the Speaking Rock casino in El Paso, which a Texas District Court, adjudicating a suit brought against the tribe by Texas Attorney General John Cornyn—now a U.S. senator—had declared illegal. Abramoff, Scanlon, and Ralph Reed, the former executive director of the Christian Coalition, had worked behind the scenes on behalf of another tribe, the Louisiana Coushattas, to make sure that the Tigua casino stayed closed. They were successful.

But Abramoff and Scanlon were also greedy. Now that the Tigua were out of luck, they reasoned, wouldn't the tribe want to see their casino reopened? And wouldn't they want, further, to hire influence peddlers to petition the government on their behalf? Most important, wouldn't they pay those influence peddlers a whole lot of money to do so? The answer to all three questions was yes.

Abramoff approached the Tigua and told them that he could use his connections in the federal government to the tribe's advantage. He also said that his representation would cost nothing; only if he were successful would he ask the tribe to consider putting him on retainer. But Abramoff's representation would not be enough. The Tigua would also need to hire an expert in "grassroots" politics. He had someone in mind—his silent partner Scanlon. Abramoff "explained to us that Mr. Scanlon was the 'preeminent expert in grassroots politics,'" recalled Marc Schwartz, a Tigua representative, in a 2004 hearing before the Senate Indian Affairs Committee. What's more, Schwartz testified, thanks to Scanlon's "experience with Representative Tom DeLay," for whom he had served as spokesman, Scanlon "had developed a reputation as the, quote, 'go-to guy' for the most difficult campaigns."

Scanlon's program, "Operation Open Doors," came at a price: $4.2 million. What the Tigua did not know was that Scanlon planned all along to send half that amount back to Abramoff in the form of a $2.1 million check to Kay Gold LLC., an Abramoff front. The two friends called this arrangement "Gimme Five."

"As you know," Scanlon wrote in a January 9, 2003, after-action report to Schwartz, his tribal contact, "the election reform bill was targeted as the vehicle for the necessary legislative language needed to reopen the Speaking Rock Casino." This was because the Help America Vote Act of 2002, a grab-bag election reform bill also known as HAVA, was a sure legislative bet: It was due to pass Congress quickly, and the president would almost certainly sign it. "Fortunately," Scanlon continued, "Congressman Bob Ney (R-OH), with whom we have good relations and a solid working arrangement, was managing the House process." But at that time Democrats controlled the Senate, which meant that Scanlon's work had to be bipartisan. "Senator Christopher Dodd (D-CT)," he wrote, "managed the Senate."

Schwartz told Sen. John McCain in November 2004 that he recalled "an agreement between Mr. Abramoff and Senator Dodd early in the process. And Representative Ney came on the scene somewhat later." Schwartz's testimony jibes with the contents of an April 12, 2002, memo Scanlon sent to his tribal contacts, in which he wrote that "we have Senate support," but that "they are looking for political cover."

The route by which Scanlon had supposedly secured Dodd's cooperation was circuitous. His firm, Scanlon & Gould, aka Capital Campaign Strategies, paid another firm, Lunde & Burger, $50,000 to lobby the Connecticut Democrat. "He called me about the Tiguas' wanting to reopen their casino," Brian Lunde, a former Democratic National Committee exec-

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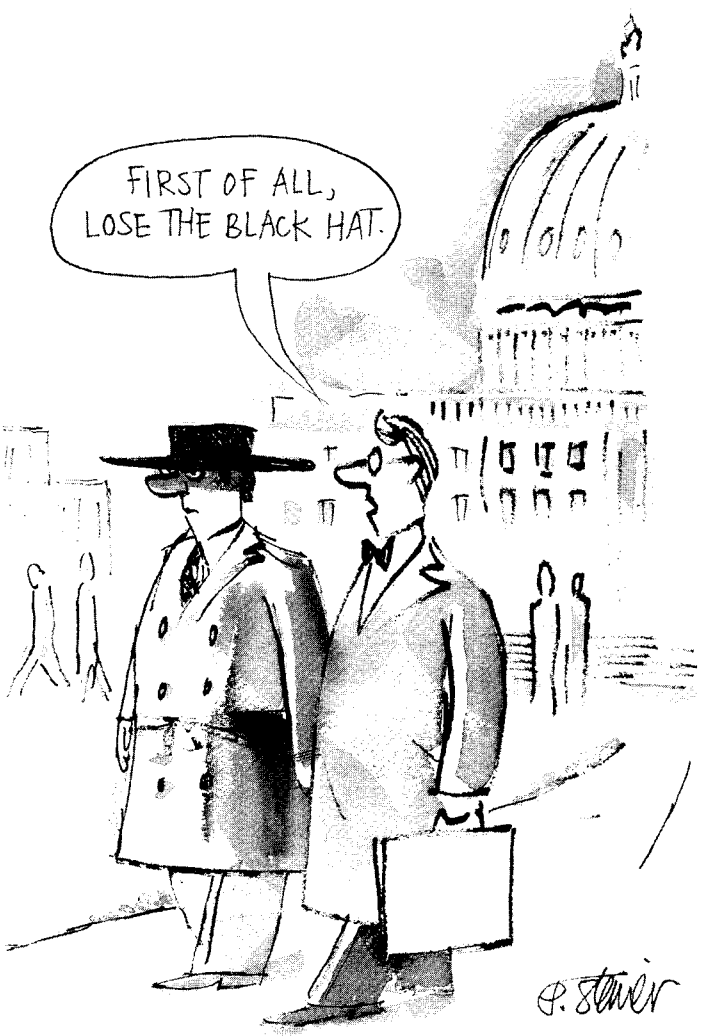
utive director who in 2004 was the national chair of Democrats for Bush, later told the *New York Times*. "I checked around, and it was the formal position of the DNC to have that reopened." Lunde and Burger entered into a $10,000 subcontract with yet another "public relations strategist" to lobby Dodd directly. Enter Lottie Shackelford.

Like many Washingtonians Lottie Shackelford came to this city to do good and stayed to do well. She has been a vice chairman of the Democratic National Committee since 1989. She is also a lobbyist. She was the first woman to be elected mayor of Little Rock, Arkansas, and her career has followed the arc of that state's former governor, Bill Clinton. In 1993 Clinton appointed Shackelford, who had served on his presidential transition team, to the Overseas Private Investment Corporation, an obscure government agency that oversees subsidies for U.S. businesses investing abroad. Also that year she was named executive vice president of U.S. Strategies Inc., a lobbying firm. Later she became executive vice president of another lobbying firm, Global USA, Inc. (Much of her bio can be read on the website of the pharmaceutical company Medicis, on whose board Shackelford sits.)

Among Shackelford's clients in 2005: FM Policy Focus, which paid Global USA Inc. $45,000 for six months' work to lobby the House and Senate on "regulatory reform issues" and the "Federal Housing Finance Reform Act of 2005"; the "Metro-Miami Action Plan Trust," which hired her to "assist with procurement of appropriated funds"; and Hyundai Motor Company, which paid her to work on "issues related to hydrogen fleet and infrastructure demonstration and validation project," specifically "HR 2419, Energy and Water Development Appropriations Act, 2006, provisions relating to Department of Energy hydrogen program."



Peter Steiner

In 2002, when she contacted Dodd about the Tigua provision, Shackelford was also a registered lobbyist on behalf of Quest Software, as well as United to Secure America, which paid Global USA Inc. $10,000 to influence immigration reform legislation. She was not a registered lobbyist on behalf of the Tigua. She was, however, a member of Dodd's fundraising committee. "We directed her to make personal contact with the Senator throughout the campaign starting in April and lasting through the passage of the legislation in October," Scanlon wrote in his 2003 memo. Shackelford, he continued, was "critical."

In 2004 Dodd delivered a statement to the Senate Indian Affairs Committee. Shackelford "did approach my office," he wrote, "during the waning hours of negotiations over the HAVA legislation." And Shackelford did "inquire whether recognition provisions for the Tigua tribe could be included in the bill." However, according to Dodd, "the suggestion was summarily rejected."

No one seems to have told Bob Ney that. While Scanlon was working with the Democratic lobbyists, Abramoff had been working with the Ohio Republican congressman. On July 25, 2002, Abramoff received some disturbing news. Ney told him that he had met with Dodd to discuss HAVA, and brought up the Tigua. "Dodd looked at him like a 'deer in headlights,'" Abramoff later wrote to Scanlon, and "said he had never made such a commitment and that, with the problems of new casinos in Connecticut, it is a problem!!!"

The plan, in short, had failed. When the Help America Vote Act became law in October 2002, there was no provision reopening the Speaking Rock casino. Lobbyists, of course, get to cash their checks whether they are successful or not. Shackelford kept the $10,000. That she did so tells us that Jack Abramoff's story is not simply about how some Republicans work Washington for private gain. It's also about how Washington really works. ♦

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The Law and the President

In a national emergency, who you gonna call?

BY HARVEY MANSFIELD

EMERGENCY POWER for such underhanded activities as spying makes Americans uncomfortable and upset. Even those who do not suffer from squeamish distaste for self-defense, and do not mind getting tough when necessary, feel uneasy. A republic like ours is always more at ease in dealing with criminals than with enemies. Criminals violate the law, and the law can be vindicated with police, prosecutors, juries, and judges who stay within the law: At least for the most part, the law vindicates itself. Enemies, however, not merely violate but oppose the law. They oppose our law and want to replace it with theirs. To counter enemies, a republic must have and use force adequate to a greater threat than comes from criminals, who may be quite patriotic if not public-spirited, and have nothing against the law when applied to others besides themselves. But enemies, being extra-legal, need to be faced with extra-legal force.

This home truth gets little recognition from critics of the Bush administration's surveillance activities in the war on terror. Some of its defenders, too, seem unaware of the full extent to which the Constitution addresses the problems we face today and how useful and relevant its principles prove to be.

One can begin from the fact that the American Constitution made the first republic with a strong executive. A strong executive is one that is not confined to executing the laws but has extra-legal powers such as commanding the military, making treaties (and carrying on foreign policy), and pardoning the convicted, not to mention a veto of legislation. To confirm the extra-legal character of the presidency, the Constitution has him take an oath not to execute the laws but to execute the *office* of president, which is larger.

Thus it is wrong to accuse President Bush of acting illegally in the surveillance of possible enemies, as if that were a crime and legality is all that matters. This is simplistic, small-r republican thinking of the kind that our Constitution surpassed when it constructed a strong executive. The Constitution took seriously a difficulty in the rule of law that the republican tradition before 1787 had slighted. The difficulty is obvious enough, but republicans tend to overlook it or minimize it because they believe, as republicans, that power is safer in the hands of many than in those of one or a few. Power is more surely in the hands of many when exercised in the form of law—"standing rules," as opposed to arbitrary decree. Republics tend to believe in the rule of law and hence to favor legislative power over executive.

Yet the rule of law is not enough to run a government. Any set of standing rules is liable to encounter an emergency requiring an exception from the rule or an improvised response when no rule exists. In Machiavelli's terms, ordinary power needs to be supplemented or corrected by the extraordinary power of a prince, using wise discretion. "Necessity knows no law" is a maxim everyone admits, and takes advantage of, when in need. Small-r republicans especially are reluctant to accept it because they see that wise discretion opens the door to unwise discretion. But there is no way to draw a line between the wise and the unwise without making a law (or something like it) and thus returning to the inflexibility of the rule of law. We need both the rule of law and the power to escape it—and that twofold need is just what the Constitution provides for.

In the Constitution executive power represents necessity in the form of response to emergencies. It anticipates that events will occur or situations will arise that we cannot anticipate through our laws; it anticipates what we cannot anticipate. The legislative and the judicial powers (and the executive insofar as it merely executes laws) represent our choices as they have been fixed in law, our foresight as far as it goes. The Constitution mixes choice and necessity, reflecting our desire for self-government (which takes effect in our legislation) and our recognition of the limitations of human foresight and the imperfection of human laws. These are opposite principles made into opposing elements of our government, yet they are also complementary. Each needs the other, and the constitutional system makes each in some degree aware of the other.

Yet the legislature and the judiciary will of course be partial to the rule of law, and the executive partial to the need for discretion. The Constitution maintains both opposite principles by arranging for an interested party or parties to support that principle in exercising its power. It does not try to teach the overall truth to all parties, as if it were possible to have the legislature and judiciary demurely defer to the executive when discretion is needed, and the reverse when the rule of law rightly asserts itself. No, there will be conflict between discretion and the rule of law, each party aware of the other principle but more convinced by its own.

That is why the two principles do not coincide with the differences between liberals and conservatives, or Democrats and Republicans. Democrats uphold the rule of law now,

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because as things stand that is all they can hope for. When they held the presidency with Bill Clinton, it was they, during the impeachment trial, who called for pardon and the Republicans holding Congress who tried manfully to vindicate the rule of law by punishing a president who admitted he had violated the law.

In combining law and discretion, the Framers of the Constitution made a deliberate departure from the sorry history of previous republics that alternated between anarchy and tyranny. The Federalist Papers, the most authoritative source for understanding the thinking of the Framers, make it clear that republicans had gone astray because they had overconfidently ignored the necessities that all governments face and had tried to wish away the advantages of size, power, flexibility, foresight, and prudence that monarchies may offer. In rejecting monarchy because it was unsafe, republicans had forgotten that it might also be effective. The Framers made a strong executive in order to have both power and security, and they took note of emergency occasions when more power gives more security.

Separation of powers was a republican invention of the 17th century, but the Framers improved it when they strengthened the executive. They enabled the executive to act independently of the legislature and not merely serve as its agent in executing the laws. In the current dispute over executive surveillance of possible terrorists, those arguing that the executive should be subject to checks and balances are wrong to say or imply that the president may be checked in the sense of stopped. The president can be held accountable and made responsible, but if he could be stopped, the Constitution would lack any sure means of emergency action. Emergency action of this kind may be illegal but it is not unconstitutional; or, since the Constitution is a law, it is not illegal under the Constitution.

To be held responsible, the executive must be able to act independently. To the extent that he depends on others to act, as in getting a law passed, responsibility is distributed to others and it is no longer clear who precisely is responsible. A president can evade responsibility by consulting with others and then, if something goes wrong, put the blame on them. This is one of the oldest tricks in the book, and canny politicians will often refuse to be consulted lest they get the blame for someone else's mistake and lose the ability to lay blame themselves. To be sure of responsibility you must fix it on one person; true responsibility is *sole* responsibility. That is why, under our republican Constitution, the people, when they want to hold the whole government responsible, end up holding the president responsible.

The Federalist tells us that a republican constitution needs energy and stability, terms taken from physics to designate discretion and law. Energy has its place in the executive, and the foremost guarantee of energy is "unity" (*Federalist* 70), meaning unity in one person as opposed to a committee or a council. Unity facilitates "decision, activity, secrecy, and dispatch." Note *secrecy* in this list. Secrecy is necessary to government yet almost incompatible with the rule of law (the exception being when congressional committees meet in "executive," i.e. secret, session). Yet secrecy is compatible with responsibility because, when one person is responsible, it does not matter how he arrives at his decision. To blame or reward him, one does not have to enter into "the secret springs of the transaction," as would be necessary if responsibility were shared.

In all of its institutions—corporations, unions, sports teams, gangs, and universities—our republic likes to place power in the hands of one person, and then hold him responsible.

In the present administration, we do not really need to know the sort of secrets we learn from reporters like Bob Woodward. We do not need to know, for example, how important Vice President Cheney is; we can praise or blame President Bush for choosing to be advised by him. With one person in charge we can have both secrecy and responsibility. Here we have the reason that American society, in imitation of American government, makes so much use of one-man rule. In all of its institutions—corporations, unions, sports teams, gangs, and universities—our republic likes to place power in the hands of one person, and then hold him responsible. That is *our* republican maxim, quite different from the traditional one that sees safety in numbers.

From this standpoint the 1978 Foreign Intelligence Surveillance Act is a mistake. That law makes surveillance subject to approval by a secret court of judges, who are thereby placed in a false position. If they give approval readily, they go against their profession as judges and fail to give judicious consideration to each case. Yet if they think as judges in terms of criminals rather than enemies, that may do harm to the country. We note that President Bush's critics do not want him to stop surveillance; they just want him to do it legally—as if legality could guarantee success and morality could make our enemies give up.

Much present-day thinking puts civil liberties and the rule of law to the fore and forgets to consider emergencies when liberties are dangerous and law does not apply. But it is precisely difficult situations that we should think about and counsels of perfection that we should avoid. Otherwise we end up admitting truth with a bad conscience, as did John McCain recently, when after denouncing the use of torture, he suddenly said on the contrary: "You do what you have to do." In this way you have morality and the rule of law on one side and necessity on the other. But isn't there a legal and a moral way to deal with necessity? Our Constitution, properly understood, shows that there is. We need to take better stock of our own achievements. ♦

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Survival of the Evolution Debate

Why Darwin is still a lightning rod.

BY ADAM WOLFSON

WHAT IS IT about even the slightest dissent from Darwin's theory of natural selection that drives liberal elites (and even some conservative elites) bonkers? In the 1920s, in the days of the Scopes trial, it was the fact that anyone could believe the story of Genesis in a literal way that offended the delicate sensibilities of our cultural mavens. Then in the 1970s it was something called "creation science" that drove them apoplectic. Today it is the heresy of "intelligent design" that they seek to extirpate root and branch. To paraphrase H.L. Mencken, liberals are haunted by the specter that someone, somewhere harbors doubts about Darwin's theory.

But in truth most people nowadays do believe evolution's basics—which is to say that species evolve—and most people believe that natural selection explains part of the change or adaptation. Where there is doubt or disagreement, as there always has been, is over whether natural selection explains *everything*. Despite what you might think from reading the *New York Times*, there is nothing indecent or philistine about this question, a question Darwin himself considered of the utmost importance. As he commented in *On the Origin of Species*, "If it could be demonstrated that any complex organ existed, which could not possibly have been formed by numerous, successive, slight modifications, my theory would absolutely break down."

Enter in the 1990s the intelligent design movement, also known simply as ID, an interconnected group of biochemists, mathematicians, and philosophers of science who argue that certain forms of biological complexity, what they call "irreducible complexity," cannot in fact come into being by Darwin's "numerous, successive, slight modifications" but require instead an intelligent designer. Some scientists with first-rate credentials, namely Michael J. Behe and William Dembski, are the driving intellectual force behind the theory of intelligent design. Relying in particular on recent discoveries in biochemistry and mathematical physics, they argue that Darwin's theory of evolution by natural selection cannot explain the existence of some complex biological systems. That is to say, the emergence of these systems is neither mathematically nor biochemically plausible without some intelligent designer in the background. For example, according to the biochemist Behe, we haven't a clue how certain highly complex biological systems at the cellular level, such as the mechanism of blood clotting, could have emerged via natural selection. "All parts must function in synchrony or the system breaks down," he explains.

In making such claims the IDers are putting old wine in a new bottle. Some version of the design thesis is to be found in the philosophy of Thomas Aquinas and, perhaps most famously, in the writings of William Paley. The 18th-century English theologian argued that when we find a watch we infer a watchmaker; so too when we discover evidence of design in nature we properly infer a Maker or Creator. The basic point is that one can make a legitimate, rational inference from the orderliness and regularity of the cosmos to some sort of intelligent first mover. And it's important to point out that this inference was thought, up until recent times, to stand on its own merits, requiring no assistance from Divine Revelation.

In rejecting this inference, Darwin himself was hardly a path breaker, though clearly his assault on the inference was one of the most powerful ever made. For example, before him, the philosopher David Hume unleashed an influential critique of the notion of what he called an "intelligent cause"—a notion he viewed as utterly useless and uncertain. In sum: This is a venerable debate, indeed, and one that has never been settled.

But is this really a scientific debate, a question that science in the strict or modern sense of the term can solve? Here's where things get tricky. It is the contention of many IDers that their case for intelligent design *is* science, and that it should thus be taught as a part of the science curriculum in the public schools. Similarly, it is the mantra of the Discovery Institute, a think tank dedicated to furthering the cause of intelligent design, that the controversy between intelligent design and natural selection should be a part of any science curriculum. Even President Bush has weighed in on the matter, declaring that "both sides ought to be properly taught."

ID's liberal critics disagree, calling intelligent design a cover for religion, and in late December, in the case of *Kitzmiller* v. *Dover*, a federal judge reached the same conclusion. At issue was the constitutionality of including in the science curriculum the reading of the following statement: "Intelligent Design is an explanation of the origin of life that differs from Darwin's view. . . . With respect to any theory, students are encouraged to keep an open mind."

Though this statement might seem innocuous enough, Judge John Jones III, an appointee of George W.

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Bush, concluded that "the writings of leading ID proponents reveal that the designer postulated by their argument is the God of Christianity," and thus to teach their theories runs afoul of the Establishment Clause of the Constitution. Certainly, the Discovery Institute has made clear its goal "to reverse the stifling dominance of the materialist worldview, and to replace it with a science consonant with Christian and theistic convictions."

What is one to make of this latest skirmish in our nation's culture wars? Often overlooked is the fact that one does not have to be a card-carrying liberal to have qualms about the modern-day rendition of intelligent design, and that there is much more to this story than either Orthodox Darwinians or IDers are willing to admit.

The philosopher Robert George of Princeton argues that IDers have, to be sure, performed a useful service in their critical program. They have better than most shown how natural selection comes up short as a universal meta-explanation. And they have also highlighted how many of today's popularizers of Darwinism, for example biologists Richard Dawkins and the late Stephen Jay Gould, have misused Darwinian theory as a battering-ram against religion. Dawkins, for one, famously stated that "Darwin made it possible to be an intellectually fulfilled atheist," and that "if you meet somebody who claims not to believe in evolution, that person is ignorant, stupid or insane."

Well, if the point of Darwinism is to refute the existence of God, as these popularizers tend to claim, then it too would have to be excluded from the science curriculum. The Supreme Court, after all, has ruled that the state must remain neutral between religion and irreligion. In their more heated polemics, Darwin's popularizers paint themselves into this intellectual corner.

However that may be, George raises serious questions about the constructive aspect of the IDers' program, the point at which they attempt to replace natural selection with intelligent design. As George points out, there's nothing wrong with making an inference from biological complexity to an intelligent designer, an inference that is perfectly rational, even if it is not "scientific" per se. Aquinas, after all, was a great rationalist. "It is important for IDers to avoid buying into an imperialistic understanding of science, which says that if it's not the scientific method it's not rational," he comments. What's needed is not a "scientific" refutation of Darwin, but a philosophic understanding of what Darwinian theory says, and what it does not say.

Stephen Barr, a theoretical physicist at the Bartol Research Institute of the University of Delaware, and a frequent contributor to the journal *First Things* on matters of science and culture, also believes that some IDers have strayed beyond the confines of science strictly understood. As he comments, "The design hypothesis is a perfectly reasonable one, but it is an explanation outside of natural science." Like George, he believes some IDers have erred in trying to shoehorn the design thesis into science curriculums. In doing so, moreover, they make a mistake similar to that of Darwin's popularizers, claiming more for their theory than the science itself allows. "There are dogmatists on both sides of the debate," Barr observes.

The former head of the President's Council on Bioethics, Leon Kass, has also been following this debate. A physician and Harvard-trained biochemist, Kass credits IDers for drawing attention to various difficulties in orthodox Darwinian theory, as well as for understanding the human stakes involved in such questions. And he

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believes IDers are generally right in raising the question of causality—a question that should in fact be at the center of a true science of nature. In other words, these are genuinely important questions. "But the IDers' assertion that the only possible answer is a Designer-God is not warranted. There is simply no evidence in support of this proposition."

It seems pretty clear that ID, as a public teaching, is going to meet the same fate as creation science. This modern update of an older understanding will not soon be taught as part of the science curriculum in our public schools. And this may be a good thing, in so far as it isn't really "science" anyway. What's unfortunate is that the ideology of Darwinism—that is, the mistaken notion that Darwin defeated God—not only reigns culturally supreme, but also apparently increasingly has the legal backing of the state.

The policy question 80 years ago, in the famous Scopes trial, was whether a public school teacher ought to be allowed to teach students about Darwin's theory of evolution. The question of today is nearly the opposite—whether anything other than orthodox Darwinism will be taught in the public schools. This marks not so much enlightenment's progress as a narrowing of our intellectual horizons. ♦

Dam Environmentalists

Why there's no hope for the obvious solution to New Orleans flooding. BY JOHN BERLAU

GIVEN THE PASTING President Bush has taken over the government's response to Hurricane Katrina, one might have assumed the president's critics were in agreement about how to prevent such disasters. But for years now, the left has been deeply ambivalent about the most logical and time-tested mitigator against the threat of city-wide and regional floods: dams.

How could dams, embraced by everyone from beavers to Franklin Delano Roosevelt, be a source of contention? Ask the environmentalists. Their campaign against dams has gained influence and stalled, decommissioned, or otherwise limited the construction of many dams and levees, including one project that could have made a significant difference during Katrina's pounding of New Orleans. This animus against dams also continues to skew spending and construction priorities to make such disasters more likely in the future.

Until recently, dams were the pride of the left, and for good reason: They provide electricity, irrigation, and, of course, bulwarks against flooding. In 1964, presidential candidate Barry Goldwater was thought to have committed campaign suicide when he proposed privatizing the Tennessee Valley Authority, which had been built with New Deal dollars. Local voters, grateful to the TVA for providing power and controlling wild rivers, didn't much like Goldwater's argument.

John Berlau, a fellow at the Competitive Enterprise Institute, is writing a book on the health risks of environmentalism.

Now a position far more radical has become respectable. In *Deep Water: The Epic Struggle over Dams, Displaced People, and the Environment*, a new book receiving rave reviews from the mainstream press, Jacques Leslie assails all dams as "loaded weapons aimed down rivers" and calls for rivers to be allowed to return to their natural flows. Leslie, who was a Vietnam war correspondent for the *Los Angeles Times* and has written for magazines such as *Harper's* and the *Washington Monthly*, takes on what he calls the "Rooseveltian vision, arising out of the New Deal, built into the Hoover Dam and the Tennessee Valley Authority, enthralled with its seeming capacity to foster prosperity by subjugating nature." He concludes by inveighing against dams as "relics of the twentieth century, like Stalinism and gasoline-powered cars, symbols of the allure of technology and its transience . . . of the delusion that humans are exempt from nature's dominion."

Most New Deal programs are considered sacred on the left, as George Bush learned recently when he tried to reform Social Security. But liberals conveniently forget Roosevelt's no-nonsense views on dealing with nature. At the 1935 dedication of Hoover Dam, FDR hailed the taming of a "turbulent, dangerous river" and the "completion of the greatest dam in the world." He proudly noted that the dam on the Colorado River was "altering the geography of a whole region," calling what had existed before "cactus-covered waste" and "an unpeopled, forbidding desert."

Roosevelt also defended public

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works such as dams on the now-discredited Keynesian ground that they create jobs (the New Deal did not bring down overall unemployment, which only returned to pre-Depression levels with World War II), but he was generally pragmatic about nature in its pristine state. About the river he said bluntly that "the Colorado added little of value to the region this dam serves." In the spring, he said, farmers "awaited with dread the coming of a flood, and at the end of nearly every summer they feared a shortage of water that would destroy their crops."

But to Leslie, damming the Colorado River was a damn shame, and he pushes for returning it "to its virgin state: tempestuous, fickle, and in some stretches astonishing." He acknowledges that if you took away the dams and the hydroelectric power they provide, you would also "take away modern Los Angeles, San Diego, and Phoenix" as well as the nearby former desert outpost known as Las Vegas. But in exchange for this major subtraction from civilization as we know it, Americans would be able to marvel at a "free-flowing river" and "an unparalleled depository of marine life."

What does the left-wing website *Salon*, a consistent defender of New Deal programs, have to say about Leslie's savaging of Roosevelt's achievement? (And what does a West Coast webzine make of a book that proposes cutting off a major power source for Los Angeles?) *Salon* heaps praise on Leslie, stating in a September article that "the modern dam, in short, has come to signify both the majesty and folly of our age's drive to conquer nature."

Leslie and *Salon* aren't alone. Support for dam removal and opposition to new dams have become a staple among modern environmentalists, giving rise to organizations whose only agenda is to stop dams. American Rivers, for example, brags about how many dams have been decommissioned and has as its slogan "Rivers Unplugged." The Berkeley-based International Rivers Network does similar work in Third World countries, where dams are even more crucial for power and flood control. This sea change on dams illustrates a larger shift of the left concerning technology and the nature of man.

The same weekend that *Salon* ran its glowing notice for Jacques Leslie's rants against artificial barriers on natural rivers, it also ran an article about a recent antiwar protest in Washington under the headline "'Make Levees, Not War.'" This was a popular trope at the time, with leftie antiwar spokesmen charging that money for the war in Iraq could have gone to building levees as well as their favorite social programs. Yet one of the main obstacles, before Katrina, to building and fortifying levees, as well as creating more innovative flood barriers, was put up by environmentalists.

In 1977, the group Save Our Wetlands successfully sued the Army Corps of Engineers to halt the construction of large floodgates intended to prevent Gulf of Mexico storms from overwhelming Lake Pontchartrain and flooding New Orleans. The gates, the environmentalists said, would have hurt wetlands and marine life, although the Corps had already done an environmental assessment to the satisfaction of environmental regulators. Many experts believe the gates could have greatly reduced the impact of Katrina. "It probably would have given [the people of New Orleans] a better shot," says Daniel Canfield, a renowned professor of aquatic sciences at the University of Florida.

Then, in the 1990s, the Army Corps of Engineers tried to upgrade 303 miles of levees along the Mississippi River, telling the Baton Rouge *Advocate* in 1996 that a levee "failure could wreak catastrophic consequences on Louisiana and Mississippi." But the anti-dam American Rivers, along with eco-groups such as the Sierra Club and state chapters of the National Wildlife Federation, sued, alleging harm to "bottomland hardwood wetlands." This resulted in the Corps doing another environmental impact study and holding off some work for two years.

The Corps compromised with the anti-dam activists in other ways. As Ron Utt notes in a Heritage Foundation study, the Corps began spending hundreds of millions of dollars on environmentally correct projects like "aquatic ecosystems" instead of flood control. The distraction from the Corps's mission continued from the Clinton to the Bush administration and is something Bush can legitimately be blamed for.

Even now, with Katrina a recent memory, efforts to protect New Orleans are being turned into eco-boondoggles, though the media seems not to have noticed. Bills from Louisiana senators Mary Landrieu, Democrat, and David Vitter, Republican, couple money to fortify levees with millions of dollars to restore a vast swath of "coastal wetlands." These were not wetlands destroyed by Katrina, but land that started disappearing, from both natural and manmade causes, in the 1930s. The argument is made that the wetlands (which used to be called swamps) can help absorb floodwater before it gets to the city. But the University of Florida's Canfield says that while wetlands are valuable for marine life, they are vastly overrated for flood protection. "If they're already wet, and filled with water, they provide no extra protection," he says.

Leslie and other dam opponents say land-sinking and the buildup of sediment caused by dams show the futility of attempts to artificially control rivers. It's true that engineering isn't perfect, and there are always new challenges that require upkeep. But to refute the claim that dams are "dinosaurs," all we have to do is look to Western Europe, usually a favorite reference point for liberal activists and the media. There has, however, been a good deal of silence about European efforts on flood control, while the few reports that have addressed this subject largely focused on the amount of money Europe spends.

But what the countries *spend it on*

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is more important: dams, walls, and gates. After a North Sea storm in 1953, the Netherlands, half of which is below sea level, set out to dam every last major body of water. The last of these were ultramodern dams built in the 1980s. In the United States, THE WEEKLY STANDARD was virtually alone in suggesting that Lake Pontchartrain could be dammed along Dutch lines. (See James R. Stoner Jr., "Love in the Ruins," September 26, 2005.) London, which sits below the high tide of the Atlantic waterways, has also had severe problems with the flooding of the Thames River. So, in the '80s, gates were built that can rise as high as five stories. The Dutch and the British are sensitive to the environment, but only to a point. They try to regulate water levels to accommodate the native fish. But neither country is undertaking massive projects to restore swamps or, in the eco parlance, "wetlands."

The environmentalist crusade against dams is curious for other reasons. The same activists who campaign for hydrogen-powered cars, for example, rail against the hydroelectricity produced by dams. As environmental journalist Gregg Easterbrook pointed out in his 1995 book *A Moment on the Earth*, a dam "burns no fossil fuel and emits no greenhouse gases, smog or toxic or solid wastes." Take away dams, and folks will have to rely on other energy sources such as coal, which, as we know from the recent tragedy in West Virginia, has its own environmental and safety concerns.

Citing the Dutch and British experience, Canfield says the anti-dam movement is not mainly about science, but rather philosophy, or even theology. "It's a belief structure," he says. What motivates anti-dam activists is abstract talk about man not interfering in the "ecosystem" or leaving a "footprint" on the planet. But without humans asserting themselves, nature will leave plenty of its own footprints, like Katrina, as it stomps at will over human beings and wildlife alike. ♦

Dutch Retreat?

The perils of turning Afghanistan over to NATO.

BY VANCE SERCHUK

WHILE AMERICAN POLITICIANS spent the last months of 2005 arguing over the U.S. military presence in Iraq, their counterparts in the Netherlands were debating the future of the Dutch contingent in Afghanistan. At issue is The Hague's pledge to deploy slightly over 1,000 Dutch troops to the restive Uruzgan province when NATO assumes responsibility for southern Afghanistan this summer. The Netherlands' skittishness makes for an important cautionary tale not only about the near-farcical indecision of a European ally in the war on terror, but more important, the risks inherent in outsourcing ever-greater responsibility for Afghanistan to NATO, as the Bush administration evidently hopes to do.

The debacle with the Dutch began this fall, when the country's military intelligence service produced a report describing the treacherous conditions in Uruzgan and predicting casualties if the Netherlands dispatched forces there. Opposition parliamentarians began to rail against the mission, buoyed by public opinion; one poll found a whopping 71 percent of Netherlanders opposed to it.

Rather than confront and puncture these doubts, the tripartite coalition government in The Hague chose to drag its feet. Despite reassurances from the United States and NATO that Dutch soldiers would receive swift reinforcements if they came under fire, the cabinet further delayed making any decision, until at last endorsing the deployment just before Christmas—but on the condition of parliamentary approval. Artfully describing its move as an "intention" rather than a "decision," the Dutch government thus passed the buck once again until February, when the parliament should render final judgment.

Meanwhile, the Netherlands' waffling has snarled the defense planning of its allies. British and Canadian troops are slated to comprise the bulk of the NATO deployment in southern Afghanistan, yet neither government can know the precise number or type of forces it should send until The Hague makes up its mind. Likewise, the Australians—who were counting on Dutch logistical support to help them stand up a 200-man Provincial Reconstruction Team in southern Afghanistan this spring—are left in limbo. From Canberra to Ottawa, the sound of teeth-grinding is audible.

But the irresponsibility of the Dutch is not even half the story. The bigger question is, Why has the Bush administration embraced a military strategy for southern Afghanistan that is so dependant on fickle partners? The current mess is a predictable consequence of the Pentagon's determination to have NATO assume more responsibility in Afghanistan and as fast as possible. And it's a portent of even bigger problems to come.

It has long been an article of faith among foreign policy cognoscenti that the Atlantic alliance should be doing more in Afghanistan. Under U.S. pressure, NATO has twice enlarged its area of operations since taking command of the U.N.-sanctioned International Security Assistance Force (ISAF) in the summer of 2003: first moving from Kabul into northern Afghanistan later that year, then expanding westward in June 2005. The swing into southern Afghanistan has been presented as the next logical step in this process.

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UPI Newspictures / Harold Fields

U.S. soldiers from Alpha Company, 1st Battalion, 508th Infantry (Airborne), in Mangritae, Afghanistan, on June 25, 2005

But it isn't logical at all. NATO's presence in Afghanistan was originally premised on the idea that large swaths of the country were stabilizing—in need of the peacekeeping and post-conflict reconstruction that European militaries could deliver, but less and less a war zone. But this assumption simply does not hold for the south. There, the Taliban and al Qaeda continue to wage what American forces describe as an increasingly sophisticated and vicious insurgency, making 2005 the deadliest year for U.S. forces in Afghanistan since the post-9/11 invasion.

The higher casualties also reflect the decision by American forces to push into what were, until recently, Taliban sanctuaries—remote mountain redoubts in northern Helmand, Kandahar, Zabul, and Uruzgan provinces. The result has been extraordinarily intense close-quarter combat with insurgents. An American company commander in Qalat estimated in October that upwards of 75 percent of his unit's contacts with the enemy have been within hand-grenade range.

Will NATO forces continue to press as aggressively into these areas, even if it means that they will lose more men (which it almost certainly does)? The Canadian troops already on the ground in Kandahar, to their credit, have made clear their intention to follow the Americans' example. But the commander of the Canadian force has also bluntly acknowledged "a gap, both in technical capability, and size and capacity" between U.S. and NATO forces.

The insurgents, for their part, will certainly look to exploit fault lines within NATO, targeting members of the alliance with an eye toward fracturing public support back home. So all that feet-shuffling in the Netherlands could, in effect, paint a big target on the back of Dutch soldiers, should they deploy. Likewise, it remains to be seen just how stalwart public opinion in Britain and Canada will be. Military intelligence has evidently warned London to be prepared for the heaviest casualties since the Falklands.

Then there are problems of coordination and sustainability. Will the different national contingents in southern Afghanistan work effectively with each other? And how will they work with the U.S. Special Forces who will remain in theater? Will NATO forces be able to manage the same kind of complex land-air maneuvers that have proven so useful in drawing out and eliminating Taliban fighters? Also, because command of the international force changes every six months, the quality and performance of its headquarters has a marked tendency to vary; contrast the cautious and bureaucracy-laden approach taken by Eurocorps, for instance, with the professional and assertive conduct of the Turkish military. The British are set

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to take command in Kabul for NATO's first rotation through the south later this year—no doubt a good thing—but what happens on the second, third, and fourth rotations?

Oddly enough, it may prove extremely difficult for NATO to "fail" in southern Afghanistan during its first six months there. Expectations are so low at this point that anything less than a spectacular collapse will probably be seized by Brussels, the Pentagon, and all other interested parties as proof of success.

But this misses the point. Not so long ago, the Bush administration insisted that the mission should determine the coalition, not the other way around. Does it really make sense to hand southern Afghanistan to a coalition of British, Canadian, and Dutch forces under the NATO flag while the counterinsurgency is in full swing? Putting aside why it might not be a mistake, what exactly makes it *necessary*?

In truth, NATO's expansion into southern Afghanistan isn't being driven by conditions on the ground or by what makes sense for winning the war there. Rather, it is a function of the Pentagon's misplaced desire to reduce its commitments in the Middle East and bludgeon some defense reform out of Brussels in the process.

The Bush administration furiously denies that NATO expansion should be seen as an American exit strategy, but this denial would seem more credible if the Pentagon didn't then explicitly link its 2,500-man drawdown in Afghanistan to the alliance's growing presence there. The danger here goes well beyond the narrow question of manpower. To a much greater degree than the Bush administration seems to appreciate, success in Afghanistan depends on a good-as-gold, long-term security guarantee from the United States. The survival of the Taliban, in turn, is contingent on a belief that the insurgents will outlast the Americans; that, sooner or later, Washington will tire of a grinding guerrilla war and go home.

The United States needs to leave no doubt that its military will continue fighting in Afghanistan as long as the democratically elected government in Kabul needs help. For the same reason, irrespective of whether a diminution in the number of American soldiers is operationally doable, the Pentagon would have been wise to skip the press release and implement its drawdown quietly. Simply put, there was no strategic advantage to be gained in announcing to the world that there will be fewer U.S. forces in Afghanistan this year.

Afghanistan's leaders certainly understand this. Senior officials in Kabul, tribal elders in the south, and newly elected legislators have all expressed concern about the troop reductions. "I would not like them to leave," Mullah Naquibullah, a tribal leader in Kandahar, told the *New York Times* last month.

The White House should pay heed. In the months ahead, the Bush administration needs to make clear that it still takes its bilateral security relationship with Afghanistan seriously. It can do this by returning to, and reinvigorating, the U.S.-Afghan strategic partnership that Presidents Bush and Karzai signed eight months ago, as well as holding off on any talk about NATO expansion into eastern Afghanistan—at least until the alliance has proven itself in the south. President Bush should also take advantage of his upcoming trip to South Asia to visit Kabul and reaffirm America's long-term commitment there.

Above all, however, the Bush administration needs to stop thinking about Afghanistan as a burden to be shrugged off. Washington will be on the right track when it starts doing a little more listening to its friends in Kabul—and a little less worrying about whether the Netherlands is coming along for the ride. ♦

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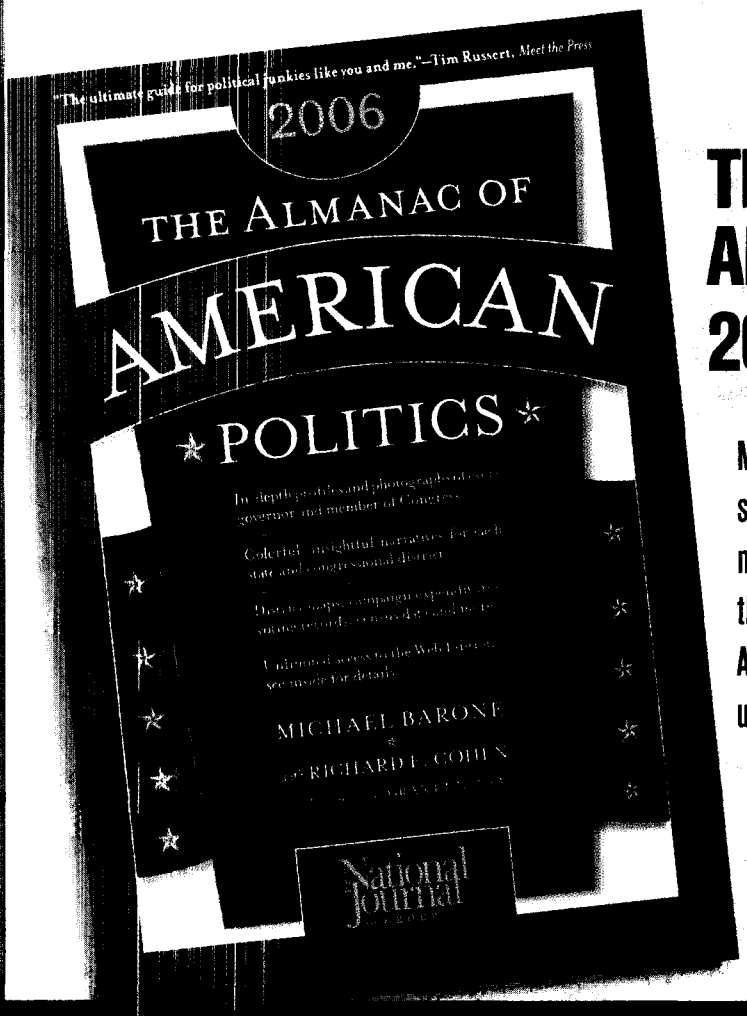

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Saddam's Terror Training Camps

What the documents captured from the former Iraqi regime reveal—and why they should all be made public

By Stephen F. Hayes

The former Iraqi regime of Saddam Hussein trained thousands of radical Islamic terrorists from the region at camps in Iraq over the four years immediately preceding the U.S. invasion, according to documents and photographs recovered by the U.S. military in postwar Iraq. The existence and character of these documents has been confirmed to The Weekly Standard by eleven U.S. government officials.

The secret training took place primarily at three camps—in Samarra, Ramadi, and Salman Pak—and was directed by elite Iraqi military units. Interviews by U.S. government interrogators with Iraqi regime officials and military leaders corroborate the documentary evidence. Many of the fighters were drawn from terrorist groups in northern Africa with close ties to al Qaeda, chief among them Algeria's GSPC and the Sudanese Islamic Army. Some 2,000 terrorists were trained at these Iraqi camps each year from 1999 to 2002, putting the total number at or above 8,000. Intelligence officials believe that some of these terrorists returned to Iraq and are responsible for attacks against Americans and Iraqis. According to three officials with knowledge of the intelligence on Iraqi training camps, White House and National Security Council officials were briefed on these findings in May 2005; senior Defense Department officials subsequently received the same briefing.

The photographs and documents on Iraqi training camps come from a collection of some 2 million "exploitable items" captured in postwar Iraq and Afghanistan. They include handwritten notes, typed documents, audiotapes, videotapes, compact discs, floppy discs, and computer hard drives. Taken together, this collection could give U.S. intelligence officials and policymakers an inside look at the activities of the former Iraqi regime in the months and years before the Iraq war.

The discovery of the information on jihadist training camps in Iraq would seem to have two major consequences: It exposes the flawed assumptions of the experts and U.S. intelligence officials who told us for years that a secularist like Saddam Hussein would never work with Islamic radicals, any more than such jihadists would work with an infidel like the Iraqi dictator. It also reminds us that valuable information remains buried in the mountain of documents recovered in Afghanistan and Iraq over the past four years.

Nearly three years after the U.S. invasion of Iraq, only 50,000 of these 2 million "exploitable items" have been thoroughly examined. That's 2.5 percent. Despite the hard work of the individuals assigned to the "DOCEX" project, the process is not moving quickly enough, says Michael Tanji, a former Defense Intelligence Agency official who helped lead the document exploitation effort for 18 months. "At this rate," he says, "if we continue to approach DOCEX in a linear fashion, our great-grandchildren will still be sorting through this stuff."

Most of the 50,000 translated documents relate directly to weapons of mass destruction programs and scientists, since David Kay and his Iraq Survey Group—who were among the first to analyze the finds—considered those items top priority. "At first, if it wasn't WMD, it wasn't translated. It wasn't exploited," says a former military intelligence officer who worked on the documents in Iraq.

"We had boxloads of Iraqi Intelligence records—their names, their jobs, all sorts of detailed information," says the former military intelligence officer. "In an insurgency, wouldn't that have been helpful?"

How many of those unexploited documents might help us better understand the role of Iraq in supporting transregional terrorists? How many of those documents might provide important intelligence on the very people—Baathists, former regime officials, Saddam Fedayeen, for-

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eign fighters trained in Iraq—that U.S. soldiers are fighting in Iraq today? Is what we don't know literally killing us?

On November 17, 2005, Michigan representative Pete Hoekstra wrote to John Negroponte, the director of national intelligence. Hoekstra is chairman of the House Intelligence Committee. He provided Negroponte a list of 40 documents recovered in postwar Iraq and Afghanistan and asked to see them. The documents were translated or summarized, given titles by intelligence analysts in the field, and entered into a government database known as HARMONY. Most of them are unclassified.

For several weeks, Hoekstra was promised a response. He finally got one on December 28, 2005, in a meeting with General Michael Hayden, principal deputy director of national intelligence. Hayden handed Hoekstra a letter from Negroponte that promised a response after January 1, 2006. Hoekstra took the letter, read it, and scribbled his terse response. "John—Unacceptable." Hoekstra told Hayden that he would expect to hear something before the end of the year. He didn't.

"I can tell you that I'm reaching the point of extreme frustration," said Hoekstra, in a phone interview last Thursday. His exasperated tone made the claim unnecessary. "It's just an indication that rather than having a nimble, quick intelligence community that can respond quickly, it's still a lumbering bureaucracy that can't give the chairman of the intelligence committee answers relatively quickly. Forget quickly, they can't even give me answers slowly."

On January 6, however, Hoekstra finally heard from Negroponte. The director of national intelligence told Hoekstra that he is committed to expediting the exploitation and release of the Iraqi documents. According to Hoekstra, Negroponte said: "I'm giving this as much attention as anything else on my plate to make this work."

Other members of Congress—including Rep. Dana Rohrabacher and Senators Rick Santorum and Pat Roberts—also demanded more information from the Bush administration on the status of the vast document collection. Santorum and Hoekstra have raised the issue personally with President Bush. This external pressure triggered an internal debate at the highest levels of the administration. Following several weeks of debate, a consensus has emerged: The vast majority of the 2 million captured documents should be released publicly as soon as possible.

Defense Secretary Donald Rumsfeld has convened several meetings in recent weeks to discuss the Pentagon's role in expediting the release of this information. According to several sources familiar with his thinking, Rumsfeld is pushing aggressively for a massive dump of the captured documents. "He has a sense that public vetting of this information is likely to be as good an astringent as any other process we could develop," says Pentagon spokesman Larry DiRita.

The main worry, says DiRita, is that the mainstream press might cherry-pick documents and mischaracterize their meaning. "There is always the concern that people would be chasing a lot of information good or bad, and when the *Times* or the *Post* splashes a headline about some sensational-sounding document that would seem to 'prove' that sanctions were working, or that Saddam was just a misunderstood patriot, or some other nonsense, we'd spend a lot of time chasing around after it."

This is a view many officials attributed to Undersecretary of Defense for Intelligence Steve Cambone. (Cambone, through a spokesman, declined to be interviewed.) For months, Cambone has argued internally against expediting the release of the documents. "Cambone is the problem," says one former Bush administration official who wants the documents released. "He has blocked this every step of the way." In what is perhaps a sign of a changing dynamic within the administration, Cambone is now saying that he, like his boss, favors a broad document release.

Although Hoekstra, too, has been pushing hard for the quick release of all of the documents, he is currently focusing his efforts simply on obtaining the 40 documents he asked for in November. "There comes a time when the talking has to stop and I get the documents. I requested these documents six weeks ago and I have not seen a single piece of paper yet."

Is Hoekstra being unreasonable? I asked Michael Tanji, the former DOCEX official with the Defense Intelligence Agency, how long such a search might take. His answer: Not long. "The retrieval of a HARMONY document is a trivial thing assuming one has a serial number or enough keyword terms to narrow down a search [Hoekstra did]. If given the task when they walked in the door, one person should be able to retrieve 40 documents before lunch."

Tanji should know. He left DIA last year as the chief of the media exploitation division in the office of document exploitation. Before that, he started and managed a digital forensics and intelligence fusion program that used the data obtained from DOCEX operations. He began his career as an Army signals intelligence [SIGINT] analyst. In all, Tanji has worked for 18 years in intelligence and dealt with various aspects of the media exploitation problem for about four years.

We discussed the successes and failures of the DOCEX program, the relative lack of public attention to the project, and what steps might be taken to expedite the exploitation of the documents in the event the push to release all of the documents loses momentum.

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TWS: In what areas is the project succeeding? In what areas is the project failing?

TANJI: The level of effort applied to the DOCEX problems in Iraq and Afghanistan to date is a testament to the will and work ethic of people in the intelligence community. They've managed to find a number of golden nuggets amongst a vast field of rock in what I would consider a respectable amount of time through sheer brute force. The flip side is that it is a brute-force effort. For a number of reasons—primarily time and resources—there has not been much opportunity to step back, think about a smarter way to solve the problem, and then apply various solutions. Inasmuch as we've won in Iraq and Saddam and his cronies are in the dock, now would be a good time to put some fresh minds on the problem of how you turn DOCEX into a meaningful and effective information-age intelligence tool.

TWS: Why haven't we heard more about this project? Aren't most of the Iraqi documents unclassified?

TANJI: Until a flood of captured material came rushing in after the start of Operation Enduring Freedom [in October 2001], DOCEX was a backwater: unglamorous, not terribly career enhancing, and from what I had heard always one step away from being mothballed.

The classification of documents obtained for exploitation varies based on the nature of the way they were obtained and by whom. There are some agencies that tend to classify everything regardless of how it was acquired. I could not give you a ratio of unclassified to classified documents.

In my opinion the silence associated with exploitation work is rooted in the nature of the work. In addition to being tedious and time-consuming, it is usually done after the shooting is over. We place a higher value on intelligence information that comes to us before a conflict begins. Confirmation that we were right (or proof that we were wrong) after the fact is usually considered history. That some of this information may be dated doesn't mean it isn't still valuable.

TWS: The project seems overwhelmed at the moment, with a mere 50,000 documents translated completely out of a total of 2 million. What steps, in your view, should be taken to expedite the process?

TANJI: I couldn't say what the total take of documents or other forms of media is, though numbers in the millions are probably not far off.

In a sense the exploitation process is what it is; you have to put eyes on paper (or a computer screen) to see what might be worth further translation or deeper analysis. It is a time-consuming process that has no adequate mechanical solution. Machine translation software is getting better, but it cannot best a qualified human linguist, of which we have very few.

Tackling the computer media problem is a lot simpler in that computer language (binary) is universal, so searching for key words, phrases, and the names of significant personalities is fairly simple. Built to deal with large-scale data sets, a forensic computer system can rapidly separate wheat from chaff. The current drawback is that the computer forensics field is dominated by a law-enforcement mindset, which means the approach to the digital media problem is still very linear. As most of this material has come to us without any context ("hard drives found in Iraq" was a common label attached to captured media) that approach means our great-grandchildren will still be dealing with this problem.

Dealing with the material as the large and nebulous data set that it is and applying a contextual appliqué after exploitation—in essence, recreating the Iraqi networks as they were before Operation Iraqi Freedom began—would allow us to get at the most significant data rapidly for technical analysis, and allow for a political analysis to follow in short order. If I were looking for both a quick and powerful fix I'd get various Department of Energy labs involved; they're used to dealing with large data sets and have done great work in the data mining and rendering fields.

TWS: To read some of the reporting on Iraq, one might come away with the impression that Saddam Hussein was something of a benign (if not exactly benevolent) dictator who had no weapons of mass destruction and no connections to terrorism. Does the material you've seen support this conventional wisdom?

TANJI: I am subject to a nondisclosure agreement, so I would rather not get into details. I will say that the intelligence community has scraped the surface of much of what has been captured in Iraq and in my view a great deal more deep digging is required. Critics of the war often complain about the lack of "proof"—a term that I had never heard used in the intelligence lexicon until we ousted Saddam—for going to war. There is really only one way to obtain "proof" and that is to carry out a thorough and detailed examination of what we've captured.

TWS: I've spoken with several officials who have seen unclassified materials indicating the former Iraqi regime provided significant support—including funding and training—to transregional terrorists, including Palestinian Islamic Jihad, Ansar al Islam, Algeria's GSPC, and the Sudanese Islamic Army. Did you see any of this?

TANJI: My obligations under a nondisclosure agreement prevent me from getting into this kind of detail.

Other officials familiar with the captured documents were less cautious. "As much as we overestimated WMD, it appears we underestimated [Saddam Hussein's] support for transregional terrorists," says one intelligence official.

Speaking of Ansar al Islam, the al Qaeda-linked terrorist group that operated in northern Iraq, the former high-ranking military intelligence officer says: "There is no question about the fact that AI had reach into Baghdad. There was an intelligence connection between that group and the regime, a financial connection between that group and the regime, and there was an equipment connection. It may have been the case that the IIS [Iraqi Intelligence Service] support for AI was meant to operate against the [anti-Saddam] Kurds. But there is no question IIS was supporting AI."

The official continued: "[Saddam] used these groups because he was interested in extending his influence and extending the influence of Iraq. There are definite and absolute ties to terrorism. The evidence is there, especially at the network level. How high up in the government was it sanctioned? I can't tell you. I don't know whether it was run

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by Qusay [Hussein] or [Izzat Ibrahim] al-Duri or someone else. I'm just not sure. But to say Iraq wasn't involved in terrorism is flat wrong."

Still, some insist on saying it. Since early November, Senator Carl Levin has been spotted around Washington waving a brief excerpt from a February 2002 Defense Intelligence Agency assessment of Iraq. The relevant passage reads: "Saddam's regime is intensely secular and is wary of Islamic revolutionary movements. Moreover, Baghdad is unlikely to provide assistance to a group it cannot control."

Levin treats these two sentences as definitive proof that Bush administration officials knew that Saddam's regime was unlikely to work with Islamic fundamentalists and ignored the intelligence community's assessment to that effect. Levin apparently finds the passage so damning that he specifically requested that it be declassified.

I thought of Levin's two sentences last Wednesday and Thursday as I sat in a Dallas courtroom listening to testimony in the deportation hearing of Ahmed Mohamed Barodi, a 42-year-old Syrian-born man who's been living in Texas for the last 15 years. I thought of Levin's sentences, for example, when Barodi proudly proclaimed his membership in the Syrian Muslim Brotherhood, and again when Barodi, dressed in loose-fitting blue prison garb, told Judge J. Anthony Rogers about the 21 days he spent in February 1982 training with other members of the Syrian Muslim Brotherhood at a camp in Iraq.

The account he gave in the courtroom was slightly less alarming than the description of the camp he had provided in 1989, on his written application for political asylum in the United States. In that document, Barodi described the instruction he received in Iraq as "guerrilla warfare training." And in an interview in February 2005 with Detective Scott Carr and special agent Sam Montana, both from the federal Joint Terrorism Task Force, Barodi said that the Iraqi regime provided training in the use of firearms, rocket-propelled grenades, and document forgery.

Barodi comes from Hama, the town that was leveled in 1982 by the armed forces of secular Syrian dictator Hafez Assad because it was home to radical Islamic terrorists who had agitated against his regime. The massacre took tens of thousands of lives, but some of the extremists got away.

Many of the most radical Muslim Brotherhood refugees from Hama were welcomed next door—and trained—in Saddam Hussein's Iraq. Spanish investigators believe that Ghasoub Ghalyoun, the man they have accused of conducting surveillance for the 9/11 attacks, who also has roots in the Syrian Muslim Brotherhood, was trained in an Iraqi terrorist camp in the early 1980s. Ghalyoun mentions this Iraqi training in a 2001 letter to the head of Syrian intelligence, in which he seeks reentry to Syria despite his long affiliation with the Muslim Brotherhood.

Reaching out to Islamic radicals was, in fact, one of the first moves Saddam Hussein made upon taking power in 1979. That he did not do it for ideological reasons is unimportant. As Barodi noted at last week's hearing, "He used us and we used him."

Throughout the 1980s, including the eight years of the Iran-Iraq war, Saddam cast himself as a holy warrior in his public rhetoric to counter the claims from Iran that he was an infidel. This posturing continued during and after the first Gulf war in 1990-91. Saddam famously ordered "Allahu Akbar" (God is Great) added to the Iraqi flag. Internally, he launched "The Faith Campaign," which according to leading Saddam Hussein scholar Amatzia Baram included the imposition of sharia (Islamic law). According to Baram, "The Iraqi president initiated laws forbidding the public consumption of alcohol and introduced enhanced compulsory study of the Koran at all educational levels, including Baath Party branches."

Hussein Kamel, Saddam's son-in-law who defected to Jordan in 1995, explained these changes in an interview with Rolf Ekeus, then head of the U.N. weapons inspection program. "The government of Iraq is instigating fundamentalism in the country," he said, adding, "Every party member has to pass a religious exam. They even stopped party meetings for prayers."

And throughout the decade, the Iraqi regime sponsored "Popular Islamic Conferences" at the al Rashid Hotel that drew the most radical Islamists from throughout the region to Baghdad. *Newsweek*'s Christopher Dickey, who covered one of those meetings in 1993, would later write: "Islamic radicals from all over the Middle East, Africa and Asia converged on Baghdad to show their solidarity with Iraq in the face of American aggression." One speaker praised "the mujahed Saddam Hussein, who is leading this nation against the nonbelievers." Another speaker said, "Everyone has a task to do, which is to go against the American state." Dickey continued:

> Every time I hear diplomats and politicians, whether in Washington or the capitals of Europe, declare that Saddam Hussein is a "secular Baathist ideologue" who has nothing do with Islamists or with terrorist calls to jihad, I think of that afternoon and I wonder what they're talking about. If that was not a fledgling Qaeda itself at the Rashid convention, it sure was Saddam's version of it.

In the face of such evidence, Carl Levin and other critics of the Iraq war trumpet deeply flawed four-year-old DIA analyses. Shouldn't the senator instead use his influence to push for the release of Iraqi documents that will help establish what, exactly, the Iraqi regime was doing in the years before the U.S. invasion? ♦

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Ariel Sharon's Legacy

From soldier to statesman, by way of most vilified leader in the world

By Peter Berkowitz

The post-Sharon era began abruptly on January 5, when the 77-year-old prime minister of Israel suffered a massive stroke while visiting his beloved ranch in the northern Negev. By the time Sharon reached the hospital, the bleeding in his brain had already made a return to government for the true Comeback Kid of Israeli politics all but inconceivable. In a bid to assure continuity and stability, Deputy Prime Minister Ehud Olmert, sworn in that evening as interim prime minister, promised that the March 28 elections will take place as scheduled. Sharon, at the head of his new centrist party Kadima, had been expected to prevail decisively.

The Israeli public is saddened, and uncertain about the political fallout, but the newly emergent and electorally powerful Israeli center, which Sharon almost single-handedly brought into being over the last five years, feels particularly bereft. Meanwhile, the Bush administration has been deprived of its most loyal ally in the Middle East. And moderate Palestinians have lost a pragmatic Israeli leader with whom, bitter as the pill may have been to swallow, they learned they could work. That Sharon had made himself indispensable to the reasonable hopes for security and peace of Israelis, Americans, and Palestinians testifies to the achievement of this figure who, before the rise of George W. Bush, surely held the title of world's most hated leader.

Indeed, it is difficult to exaggerate the worldwide loathing of Ariel Sharon. In the European and Arab press it has been common to find Sharon reviled as a mass murderer of Palestinians in 2002 at the Jenin refugee camp; blamed for instigating the second intifada by gratuitously visiting the Temple Mount in September 2000; excoriated as a chief architect and relentless advocate of an imperialist Israeli settlement policy; held directly responsible for the 1982 massacre of Palestinian Arabs by Lebanese Christians at the Sabra and Shatila refugee camps on the outskirts of Beirut (for which he was charged in a Belgian court in June 2001 with crimes against humanity); and routinely compared to, and caricatured as, Adolf Hitler.

Nor was hatred of Sharon in short supply in Israel. Before he was elected prime minister in February 2001, no figure on the right aroused greater antipathy among left-of-center Israelis. Throughout the 1980s and 1990s, you would have been hard pressed to find more than a handful of members of the intellectual and cultural elite—kibbutzniks, journalists, university professors, lawyers, and doctors—who could mention Sharon's name without having their faces disfigured by disgust.

Sharon's transformation into the indispensable statesman represented an amazing turn of events. A brilliant and always controversial star of the Israeli military, he joined the Haganah in 1942 at age 14, commanded an infantry company in 1948 in the War of Independence, and, as head of the famous "101" commando unit, made his name in the 1950s by leading daring counterterrorism raids into Egypt, Jordan, and Syria. He cemented his reputation in 1967 as a general commanding an armored division in the Six Day War that raced across the Sinai to the Suez Canal, and again in 1973 commanding a division in the Yom Kippur War that crossed the canal and enabled Israeli forces to surround the Egyptian Third Army, leaving only empty road between Sharon and Cairo.

By the mid-1980s, Sharon had become the most divisive figure in Israeli politics and the symbol to the left of the bellicose Jewish nationalism that they despised in the right. The Likud party was in power but not in control of the situation. Having destroyed the Palestinian terrorist infrastructure in the South of Lebanon in Operation

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Reuters / Landov / David Rubinger

Sharon with Major General Yeshayahu Gavish in the Negev desert, June 1, 1967

Peace for the Galilee, Israeli troops became mired in that country. In 1983, the government-appointed Kahan Commission determined that Sharon bore "indirect responsibility" for the Sabra and Shatila massacres, forcing Sharon to resign as minister of defense. Had you told an Israeli at that time—on the right or on the left—that one day the disgraced general would become prime minister and would unite right and left in the country to an unprecedented degree, you would have been laughed out of court. Indeed, you would have been laughed out of court had you made that claim as recently as February 2000, a year before the Israeli electorate rallied around Sharon in record numbers.

Yet at a time of national crisis, following the last gasp of the Oslo Accords with the collapse of the peace process in the summer of 2000, and the outbreak of the second intifada in September 2000, Sharon was elected prime minister with the largest margin of victory in Israel's history. Upon assuming office in March 2001, he promptly broke the back of the ultra-orthodox parties that had long maintained a paralyzing veto on government policy, forming instead a coalition with the center left. And Sharon provided room for his fierce rival, Minister of the Treasury Benjamin Netanyahu, to institute dramatic free market reforms designed to overcome the stifling grip of state-run labor unions, heavy taxation, and a centralized economy—holdovers from Israel's European socialist roots.

But Sharon made his most enduring mark on Israeli politics by presiding over the formation of a powerful new consensus on national security. The need for a new approach became evident in the fall of 2000 when Yasser Arafat launched the second intifada. Choosing war instead of either the generous concessions that Prime Minister Ehud Barak had offered at Camp David in the summer of 2000 or further negotiations, Arafat at long last managed to convince a sizable segment of the Israeli left that he could never be trusted as a partner in peace. The decision on the part of many of these stunned and chastened Israelis to vote for Sharon, or not vote for Barak, reflected their desire for a wartime leader. But, as the war unfolded, the systematic use by the Palestinians of suicide bombers to terrorize civilians impelled Sharon to see something new as well: The dream of a Greater Israel, in which Israel ruled over West Bank and Gazan Palestinians, was inconsistent with Israel's long-term security interests.

This recognition informed Sharon's decision to build the security fence separating Israel from the West Bank (a fence protecting Israel from Gaza was already in place). The idea of a fence, running more or less along the Green Line (the 1949 armistice boundaries separating Israel from the West Bank, then held by Jordan, and the Sinai and Gaza, then held by Egypt), came from the left. Those

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on the right were loath to cut off the towns and cities that Israel, to a significant extent under Sharon's direction, had built after 1967 beyond the Green Line. Sharon's embrace of the fence in 2002, at the height of the Palestinian suicide bombing campaign, was a turning point, both in the war itself and in the emergence of Israel's new security consensus. Where the security fence has been completed (contrary to typical reports in the press, only about 5 percent of the barrier is a wall, and then either to protect against snipers, or to save space and spare residential dwellings), it has substantially reduced the number of successful suicide bombings.

In addition, Operation Defensive Shield, ordered by Sharon in the spring of 2002 after a Hamas suicide bomber killed 29 and injured 140 at a Passover seder in a Netanya hotel, cleared out terrorist havens in West Bank refugee camps. And Sharon's policy of taking the war to the enemy through targeted killing of terrorist leaders further threw the various Palestinian terrorist organizations into disarray. Well before Arafat died in November 2004, it was clear that Sharon had led Israel to victory in Arafat's suicide bomber war.

Sharon's new thinking culminated in his announcement in December 2003 of plans for unilateral disengagement from Gaza and large parts of the West Bank. This was not meant to nullify the Road Map to which Israel had agreed in 2002, at the urging of the Bush administration, but rather to declare that Israel could not wait indefinitely for the Palestinian Authority to meet its obligations under the Road Map to disarm the terrorists.

Sharon warned Israelis of "painful concessions." And indeed, the removal of 9,000 Israelis from their homes and farms on a narrow strip of land on the edge of Gaza in the summer of 2005 did convulse Israeli politics. But just as he supervised as defense minister the evacuation of the Israeli-built Sinai town of Yamit in 1981 in fulfillment of Israel's obligations under the peace treaty with Egypt, so Sharon, despite the rupture that it created in his own party, saw disengagement from Gaza through to the end. His actions put Palestinians, for the first time in their history, in charge of governing themselves.

And yet it is not because the old man went soft, or succumbed to a desire for world approbation, or finally acquired a humanitarian conscience, that the father of the settlements initiated withdrawal first from Gaza and eventually from most of the West Bank. Sharon never departed from his fundamental tenet: Israel's security comes first. And he was the man to determine and implement Israel's security requirements. For 30 years, Sharon believed that Israel's security was best served by Israeli settlements criss-crossing the West Bank. As prime minister he saw that in light of changing demographic realities and the savagery of Palestinian terrorism, Israel's security was better served by disengagement.

Perhaps the soldier-statesman can be faulted for not taking the plight of the Palestinian people to heart. But, whatever mysteries Sharon's heart harbors, such is the cunning of history that he became the first Israeli prime minister to openly endorse a Palestinian state.

Perhaps he can be criticized for failing to groom a suitable successor. But he certainly broke a severe logjam in Israeli politics, empowered the electorate to see the shape of a hardheaded, reasonable, pragmatic politics, and set the stage for the next generation of leaders to seize the moment and show what they are made of.

And perhaps he can be taken to task for failing to appreciate all of the opportunities provided by the gentler ways of diplomacy and negotiation. But the diplomats and negotiators now have an independent Palestinian Authority operating out of the Gaza Strip to deal with, as well as the outlines of a plan for withdrawing from most of the West Bank, thanks to Sharon's leadership.

Sharon has always been a fighter—cocksure, courageous, charming, defiant, quick-tempered, duplicitous, amazingly resilient, and, above all, steadfastly focused on Israel's security. The story is told that in the 1950s, when he led the "101" commando unit, Sharon would, just before an operation began, order his communications aide to keep a certain distance so that if orders from headquarters to cease and desist arrived, they could not be relayed to him. The stories of Sharon keeping the law at a convenient distance could be multiplied. Perhaps no Israeli military officer was reprimanded more or subject to more commissions of inquiry than Sharon. At the same time, Sharon commanded the loyalty of his men, was admired for his warmth and sense of humor, and for 60 years' performed deeds, in and out of uniform, essential to protecting Israel from enemies sworn to its destruction.

Sharon is the last of the 48ers—think of Yitzhak Rabin, Ezer Weizman, Moshe Dayan—to occupy the commanding heights of Israeli politics. He belonged to the generation that was born and bred in Israel, that came of age loving the land and fighting in the War of Independence, that was proud of the Zionist dream, that fought hard and lived large, and that, after heroic military careers, governed the nation well into its sixth decade. The 48ers were not always the best of democrats, especially Sharon. And yet time after time, they, and Sharon in particular, rose up to defend their small, surrounded, war-torn, beautiful country, making it possible for Jews to build a free and democratic state in their ancestral homeland. ♦

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Putin's Power Politics

Rebuilding Russian clout, one natural gas pipeline at a time

By Daniel Twining

In a world of American preponderance, European integration, and Asian ascent, it is sometimes hard to take Russia seriously as a great power. In many respects, the country has been in steady decline since the end of the Cold War. Its population is shrinking. Life expectancy is falling. It cannot adequately safeguard its nuclear weapons stockpiles. Its military is in an advanced state of collapse.

Russia faces a threat from Islamist terror in its southern regions. Parts of Siberia contain more Chinese immigrants than Russians. Moscow's attempts to retain a Eurasian sphere of influence have been set back by democratic revolutions in Georgia, Ukraine, and Kyrgyzstan. Russia risks being eclipsed by the rise of Asia in the east and the vibrancy of Atlanticist democracies in the west.

But Russia has a secret weapon in what would otherwise be a modest arsenal of national power. Like many Third World states and Arab autocracies—and quite unlike either the rich West or a globalizing Asia—Russia relies on oil and gas revenues for nearly half its government budget. Moreover, it is transforming this typical indicator of economic backwardness into a hidden strength, making it the vehicle for its aspiration to reemerge as a global leader.

Unlike corrupt politicians who view their country's oil wealth as a means of elite enrichment, President Vladimir Putin is methodically consolidating state control over Russia's energy resources and deploying them as a tool of international statecraft. Russia's energy exports have replaced both nuclear arms and the Communist International as the principal agent of Russian influence abroad.

Russian officials are constructing a grand strategy that more closely resembles the mercantilism of 17th-century European empires—in which managed trade was a strategic tool for building up state power in a global contest for primacy—than the policies of market capitalism seen in Asia and the West. Rather than liberalizing its economy, as China has done to such explosive effect, Moscow is reasserting state control, in a concerted strategy to make Russia a great power once again.

A closer look at the way Russia has wielded energy supplies to support its allies and bludgeon its rivals in Eurasia suggests that major economies increasingly dependent on Russian gas and oil exports—including great powers in Europe and Asia, and even the United States—are rendering themselves vulnerable to the ambitions of an autocratic, imperial state that has not refrained from using energy as a geopolitical weapon and has been ruthless in its treatment of both internal political opponents and neighboring states.

The CIA forecasts that "growing demands for energy" will have "substantial impacts on geopolitical relations" in coming years. The need for energy increasingly will be "a major factor" shaping the foreign policies of key states. Total energy consumed globally will rise by 50 percent over the coming two decades, most of it in the form of oil and natural gas. To maintain growth, rising powers like China and India will need to double or triple their energy consumption. The European Commission estimates that Europe's requirements for imported energy will rise from 50 percent of total demand in 2000 to nearly 70 percent in 2020, with gas imports increasing most rapidly.

Russia today is the world's largest exporter of natural gas and second-largest exporter of oil, after Saudi Arabia. Russia also possesses vast, untapped oil and gas reserves, which dwarf sources of supply in the Americas, Europe, and Asia outside the Middle East. The CIA predicts that "Russia . . . will be well positioned to marshal its oil and gas reserves to support domestic and foreign policy objectives."

Russia is a leading producer of liquefied natural gas, which, because of its ease of transport and environmental friendliness, is increasingly in demand by advanced economies. This will have "a transformational effect on Russia's geopolitical position," writes the *Observer*.

Gazprom, Russia's leading energy conglomerate, is the largest energy company in the world. It controls gas and oil reserves larger than those of British Petroleum, Royal Dutch Shell, and ExxonMobil combined. It produces a fifth

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of the world's natural gas, making it a price-setter in the international market. It controls the world's biggest pipeline network. It has its own media empire, including prominent television and radio stations and a newspaper. Gazprom is owned by the Russian government.

Gazprom is expected to float shares on the Russian stock market for the first time next year, which will make it the world's largest emerging-markets stock and will raise significant international capital for the company. Nonetheless, as with other Russian energy companies, foreign ownership will be limited to preserve state control.

Breathless investors may want to take a close look: Gazprom's business operations often reflect not market principles but the interests of Mother Russia. "If the Kremlin had a stock-exchange listing, Gazprom would be it," says a Western banker in Moscow. "Many observers wonder whether Gazprom . . . is really a company at all," writes the *Economist*. "Often, it seems more like an arm of the state," pursuing "the Kremlin's ambitions as well as its own."

Gazprom's chairman is Dmitri Medvedev, Russia's first deputy prime minister. He previously served as Kremlin chief of staff and is perhaps President Putin's most trusted aide. Medvedev is the leading candidate to replace Putin in 2008.

Although primarily a natural-gas giant, Gazprom also controls significant oil reserves. It owns several large Russian oil companies. One that it doesn't own is Rosneft, the state oil giant that acquired the biggest production unit of what had been the largest private oil company in Russia, Yukos, when the government arrested that firm's chief executive, Mikhail Khodorkovsky, and banished him to prison camp in Siberia for daring to fund opposition political parties.

Rosneft's chairman is Putin's powerful deputy chief of staff, Igor Sechin. From the Kremlin, he is reported to have masterminded the attack on Yukos's leadership—from which Rosneft benefited handsomely. Sechin leads the *siloviki* faction in the Kremlin composed of former military and secret police officers. According to the *Financial Times*, Rosneft is viewed in Russia as "the oil company of the *siloviki*," of which Putin and the other leading candidate to replace him as president, second deputy prime minister Sergei Ivanov, are themselves members.

Medvedev and Sechin, both senior government officials at the head of Russian energy giants, are among Russia's "new oligarchs." In a systematic, Kremlin-directed reversal of the rushed privatizations of the 1990s that coincided with Putin's rise to power, the Russian state has coopted or destroyed the independent tycoons of the 1990s who controlled Russia's vast natural resource base—and who represented centers of financial and political power beyond Kremlin control—and replaced them with its own loyal servants. According to the Russian newspaper *Nezavisimaya Gazeta* and the *Christian Science Monitor*, seven people from President Putin's inner circle now control nine state companies with total assets equal to 40 percent of Russia's GDP.

Political power in Russia today is predicated upon strategic control over Russian energy supplies—and the ability to wield their delivery to foreign markets as an instrument of national policy.

Senior Russian leaders believe that their country—poor, vast, and surrounded by powerful neighbors—can ultimately punch far above its weight internationally by systematically increasing both its allies' and its adversaries' dependence on Russian energy supplies and distribution networks. Thanks to its mineral wealth, "Russia has joined the countries needed by the world," says a propagandist on Gazprom's television channel, NTV. Or as President Putin puts it, Russia's energy resources "create favorable conditions for us to pursue a more independent foreign policy."

Putin long ago identified Russia's ability to develop its natural riches as the key to the country's revitalization. He wrote a doctoral dissertation in the 1990s in which he championed the creation of public-private "financial-industrial corporations" to exploit Russia's mineral wealth, fueling an economy built on natural resources. He argued that state-directed natural resource companies could not only raise the people's standard of living but also protect Russia's position as a great power.

Putin's Russia is actively playing its energy card by entrenching its role as a vital supplier to Western nations, whose markets are the key to Russia's renewal. And Russia's energy exports are critical to its customers' economic health. Europe currently relies on Russia for nearly half its natural gas and a third of its oil. Some countries are more dependent, especially on Russian gas: Russia supplies 40 percent of total demand in Germany, 65 percent in Poland and Bulgaria, 70 percent in Hungary, and 80 percent in the Czech Republic. Austria, Slovakia, and the Baltic states are almost totally dependent on Russia for natural gas.

At an E.U.-Russia summit in October, Putin baldly asserted Russia's geopolitical importance on the basis of its status as Europe's leading energy supplier: "I'll remind you that some European countries, members of the European Union, cover 90 percent of their gas needs with Russian hydrocarbons. Ninety percent! And no one's complained so far."

He suggested to European leaders that Russia's energy resources entitle his country to treatment as Europe's "equal." And he recalled that in the 1990s, when Russia was weak, "serious European politicians never allowed themselves to talk to Russia arrogantly, to humiliate Russia."

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Russia, he intoned in terms both reassuring and forbidding, would not humiliate an increasingly dependent Europe "when our possibilities have greatly increased" from energy-fueled growth.

Russian analysts interpreted Putin's summitry as a sort of great-power coming-out ceremony made possible by Europe's hunger for Russia's energy riches. Assessing Putin's European diplomacy, Moscow pundit Yulia Latynina commented, "Without a hint of a smile he presented those gas deliveries as Russia's chief strategic weapon."

Rich European countries find themselves in Russia's "oil and gas orbit," explained an anchorman for Russian television station RTV. Whereas Russia once was feared in Europe as a "big country with a weak economy," opined a reporter for Channel One, another Russian network, thanks to its ability to leverage its energy wealth, it is now feared as a "big country with a strong economy." Center TV, also broadcast out of Russia, predicted that in a decade "the whole energy prosperity of the E.U. will depend on Moscow."

Europe's dependence on Russian gas is expected to rise to 80 percent of total demand when a new North European Gas Pipeline becomes fully operational. Instead of transiting overland through pipelines in Ukraine, Poland, Lithuania, and Moldova, as they do now, Russian energy exports will run under the Baltic Sea, through a $5 billion pipeline that will link Russia's vast reserves directly to Western Europe. Gazprom owns the pipeline company, rendering it an agent of government influence as well as a source of supply. President Putin has hired former German chancellor Gerhard Schröder as the company's chairman, underscoring Moscow's view of its strategic importance to Russia-Europe relations.

Putin recently inaugurated another major undersea pipeline to carry Russian gas directly to Turkey and Italy, and ultimately on to other southern European economies. These pipelines demonstrate Russia's determination not only to supply gas to its rich Western neighbors, but also to control the physical infrastructure that ties Russia's trading partners into long-term dependency on Russian supplies.

Britain's energy minister has admitted what many leaders only nervously whisper: Europe is dependent on Russia for energy. With the North European Gas Pipeline, reports Russia TV, "Russia will essentially be guaranteeing Europe's energy security and the growth of its economy."

Will Russia exploit that vulnerability? A senior Russian official recently told the *Financial Times* it was "natural" to use Russian energy exports for diplomatic purposes, adding, "With our resources, we think we can use this energy to strengthen our position in the world as well as make a profit." Russian leaders "clearly see that their energy assets are their key to being a great power," says the Carnegie Endowment's Andrew Kuchins. The trade in gas and oil enhances Russia's international stature: Russia is president of the Group of Eight, a forum for rich democracies, despite being neither rich nor a democracy.

What Russia wants from European and Asian great powers—for now, while it rebuilds its national strength—is respect as a peer and a seat in their councils. But it's an entirely different story in Russia's backyard, where Moscow wields oil and gas as an instrument of coercion over its weaker neighbors.

Before he resigned on December 27 in protest against the rollback of political freedom in Russia, Putin's maverick economic adviser Andrei Illarionov condemned his government's use of energy as a "weapon" on the international stage. That policy has been vividly on display in Ukraine, which enjoyed lucrative terms of trade with Russia until it aligned its foreign policy with that of NATO and the E.U. after its 2004 Orange Revolution. Moscow then determined to punish Ukraine, with the goal of influencing its internal politics in a more Russia-friendly direction. The means: manipulation of gas supplies, upon which Ukraine relies for four-fifths of domestic consumption.

As Russian journalist Fyodor Lukyanov puts it, "The Kremlin's new line, following events in Ukraine, is that the E.U. is an expanding empire of a new type"—and that expansion needs to be contained, if not reversed, using the kind of energy leverage that has been wielded with great effect against Ukraine and Russia's other pro-Western neighbors.

To counter Ukraine's Western tilt, Russia threatened to quadruple the price it charges Ukraine for gas deliveries, from $50 to $220 per thousand cubic meters. In December, Moscow insisted it would shut off gas exports to Ukraine—in deepest midwinter on the frigid Ukrainian steppe—and proceeded to do so on January 1, in retaliation for Kiev's refusal to meet its punitive terms. According to the *Los Angeles Times*, the price Russia is demanding would result in "the virtual collapse of the Ukrainian economy."

But that is probably not Moscow's goal. According to analyst Vladimir Socor, its real objective appears to be joint Russian ownership of Ukraine's pipeline network. This would extend Russia's tentacles deeper into its neighbor only a year after Ukraine's people cast off Russian tutelage. Gazprom has bought up key distribution networks in other Central and Eastern European nations, reinforcing their long-term dependency on Russia, and looks eager to apply this strategy in Ukraine, too. Indeed, a political settlement between Kiev and Moscow, reached on January 4 after a three-day, total Russian embargo on

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gas exports to Ukraine, gives a Gazprom-controlled company a monopoly on gas exports to Ukraine as well as increased control over that country's internal gas distribution network.

The gas dispute contributed to the appointment of a new prime minister in Kiev, and as Moscow turned the screws, Ukraine's ardently pro-Western foreign minister made an emergency visit to Moscow to pledge Ukrainian fealty. The legacy of the crisis that is tarnishing Ukraine's current leadership may be the election of a more pro-Russian parliament this March.

Moscow also wants to drive a wedge between Ukraine and its European partners. Russia's special envoy to the E.U. accuses Ukraine of "blackmailing" European countries and "holding European consumers hostage" by refusing to meet Gazprom's punitive terms. Putin labels Ukraine a "parasite on Russia" even as he soothingly pledges to be a reliable energy partner to rich West Europeans. Gazprom, after manufacturing the crisis it now condemns, accuses Ukraine of "endangering the energy security of European consumers of Russian gas."

Reuters / Mikhail Metzel

Putin with Gazprom executive Andrei Miller

The two-tiered nature of Russia's price system for export to its neighbors reflects the degree of political warmth or hostility they show Moscow. Russian ally Belarus enjoys highly subsidized gas. But two years ago, when its puppet dictator irked his political patrons in Moscow, Gazprom literally turned off the power in Minsk. President Alexander Lukashenko got the message and fell back into line. His country pays only a fifth of the price Russia has demanded from Ukraine for gas.

Moscow is using the dispute with Kiev "to show other former Soviet republics that Ukraine is in trouble because it didn't behave," says one Ukrainian analyst. Last summer, Russia announced that it would review its relations with its neighbors and deprive "nonfriendly countries" of favorable trade terms for energy exports.

Since then, Gazprom has hiked the price it demands from Poland for gas imports. It has announced a substantial spike in prices for the Baltic states. It sharply raised energy prices to Georgia, an enthusiastic Western ally. And it is raising gas prices to Moldova, which wants out of Russia's orbit and closer ties to Europe. "Russia is not going to let what remains of her former empire leave the fold without a fight," writes Ziba Norman of London's Transatlantic Institute.

"Putin is now saying, You have to choose between going to the West or else supporting the idea of a Single Economic Space under Russia," says Alexander Rahr of the German Council on Foreign Relations. Countries like Belarus that remain within Russia's sphere enjoy the benefits of cooperation; countries that ally themselves with the E.U. and NATO are punished.

Russia is moving systematically to build energy pipelines directly to Western Europe so that Moscow can wield its energy hammer against vulnerable states in Eastern Europe without threatening its lucrative trade with rich European economies. The North European Gas Pipeline will allow Russia to deliver gas to Germany, Europe's largest economy—and to Britain, France, and other countries via proposed pipeline offshoots—without transiting Ukraine or E.U. members Poland, Estonia, Latvia, and Lithuania.

Within the E.U., these countries bitterly contested the bilateral German-Russian pipeline agreement, pointing out that overland pipeline routes across their territories would be significantly cheaper. "The only possible reason [for choosing the sea route] was political," said a *Washington Post* editorial. A direct Russian-German supply route will expose Central and Eastern European democracies to Russian coercion by dividing them from their E.U. partners. Russia will be able to pursue a two-tiered energy policy towards Europe—reliably supplying gas to rich Western economies even as it threatens to turn off the tap to its weaker neighbors.

"The pipeline will add range and power to Gazprom's potential for business and political leverage over the Eastern European countries on its route," says the *New York Times*. The Russian newspaper *Novyye Izvestia* celebrated the pipeline's geopolitical logic: "Moscow has decided to achieve political aims against the E.U. 'anti-Russian bloc' [identified as Poland, Latvia, Lithuania, and Estonia] using economic means."

Such coercion can be subtle. Central bankers in Lithuania and Estonia have warned that an abrupt move by Gazprom to raise gas prices could derail their hopes of

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adopting the euro in 2007 by spiking domestic inflation above E.U. limits. If it so chooses, a hostile Kremlin may be able to play its Gazprom card to quietly veto eurozone expansion into the Baltics.

Democracies like Poland and the Baltic states wrongly thought they were escaping Russia's shadow when they acceded to the European Union. Putin's recent remark that the collapse of the Soviet Union was one of "the greatest geopolitical catastrophes of the 20th century" suggests that they should keep their guard up.

Russia is setting its energy sights beyond Europe. It is constructing a major pipeline from eastern Siberia to China, with a Pacific terminus in the Russian Far East to supply Japan; Beijing and Tokyo have each lobbied vigorously to be Moscow's partner of choice. China looks like the near-term winner, but Putin recently stressed that Russia aspires to be the supplier of choice for the entire Asian market. It is diversifying its energy supply routes accordingly. Russia enjoys lucrative energy cooperation with India and is negotiating a gas pipeline to the Korean peninsula. At the APEC summit in November and the East Asia Summit in December, Putin emphasized a resource-rich Russia's centrality to Asia's economic future. When abroad, says a Russian commentator, "this president acts first and foremost as the president of a natural resources power."

In February, Putin visits Algeria, Europe's second-largest source of natural gas (after Russia). Algeria hopes to increase gas exports to Europe 50 percent by 2010. Analysts suspect that Putin is seeking Russian rights to develop Algeria's gas and oil reserves, which would, by extension, increase Russia's grip on the European market.

Russia has also moved strategically to assume a dominant position in energy-rich Central Asia. Gazprom has acquired effective control over all natural gas exports from Kazakhstan, Turkmenistan, and Uzbekistan, shutting out Western and Asian competitors. As a result, says one expert, "Any country that wishes to purchase gas from Central Asia will be vetted, with commercial agreements dictated by Moscow."

Russia is also a rising supplier to the North American market. Gazprom recently announced plans to move into the United States, aiming for 10 percent market share in liquefied natural gas by 2010 and 20 percent as Russia's production capacity rises. It is currently negotiating liquefied natural gas transportation contracts with American companies. Diversifying energy supplies is a longstanding goal of American policy and is, in principle, to be welcomed. But as analyst Ziba Norman asks, "Should America feel comfortable with this level of dependence" on "an arm of the Russian state?"

There may be no better evidence that Russian energy policy is at the core of Russian political power and strategy than the expectation that President Putin will assume Gazprom's chairmanship when his term ends in 2008. "I intend to leave the Kremlin, but I don't intend to leave Russia," he says enigmatically. He has already mastered the role. "Those who have dealt with Putin," comments Yulia Latynina on radio station Echo Moskvy, "may have gotten the impression that they were talking not with the president of Russia but with the CEO of Gazprom."

In 2008, with Putin as Gazprom's chairman, his trusted aide, current Gazprom chairman and current deputy prime minister Medvedev as president, and Putin aide and *siloviki* leader Sechin as head of state oil giant Rosneft, the fusion of the Russian state and its energy suppliers may be complete. "In the old days," says a Russian observer, "Lenin and the party were one. Now it's the Kremlin and Gazprom."

The CIA points out that the trade in natural gas requires a high level of "political commitment" from countries linked by pipeline routes, since they become bound by an expensive and permanent physical infrastructure of supply and demand. Russia has clearly made the political commitment, for reasons of grand strategy rather than mere economics. Gazprom is "Russia's most powerful foreign-policy tool," writes the *Economist*, "and its best hope of regaining lost clout." As Russia's power and influence grow and its designs become more apparent, will eager trading partners in Asia and the West retain their enthusiasm for the political commitments they made when Russia was poor and weak?

Russia is reemerging as a great power. Its weakness hides its gathering strength. Yet as journalist Masha Lipman points out, Putin's strategy is not modern but nostalgic in character: His reassertion of state control over Russian energy assets as a tool of development and statecraft is "an antimodernization project" that is "dragging Russia back to its traditional authoritarian mode."

President Putin is reconstituting Russia's international influence in a manner as cunning and audacious as the more renowned exploits of the Soviet security services—from which he himself emerged. The CEO of the planned Russia-Germany pipeline consortium is a former East German secret police officer whom Putin knew from his time as a KGB agent in East Berlin.

The Russian empire, which has existed for centuries in czarist and Communist guises, today is taking the form of what one Russian reporter calls "an empire of pipelines." Western and Asian states, including all current and future great powers, are rendering themselves increasingly, and in many cases dangerously, dependent on it. As Russia's neighbors have already learned, such dependence comes at a price. ♦

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It Takes an Intellectual

To misconstrue the Constitution By John J. DiIulio Jr.

President Bush's bid to put Harriet Miers on the Supreme Court was crippled when respected conservative commentators complained that, whatever her true ideological pedigree, she lacked the requisite intellectual pedigree. Even if her views on most issues were credibly conservative, they argued, she could not defend them against ostensibly bigger-brained jurisprudential liberals and their favorite constitutional theorists. She would, they claimed, be little help to the court's conservative heavyweight, Justice Antonin Scalia, and no match for its sophisticated liberals, like Justice Stephen Breyer.

John J. DiIulio Jr., a contributing editor to The Weekly Standard, *is coauthor, with Meena Bose, of the forthcoming* American Government: Classic and Contemporary Readings.

I was pleased when, in Miers's stead, Bush nominated Judge Samuel Alito. Still, the right's best and brightest have some additional thinking to do about the arguments they used to help bring down Miers. Brainy Justice Breyer can help.

Active Liberty
Interpreting Our Democratic Constitution
by Stephen Breyer
Knopf, 176 pp., $21

Active Liberty: Interpreting Our Democratic Constitution is composed from the Tanner Lectures that Breyer delivered in November 2004 at Harvard. Breyer, who was nominated by Bill Clinton and confirmed in 1994, takes ideas seriously. He refers to Benjamin Constant and Sir Isaiah Berlin on competing concepts of liberty; learned tomes by late High Court jurists; classic academic treatises on constitutional law; contemporary commentaries on jurisprudence, including certain writings by Justice Scalia; and much more.

Occasionally, Breyer even cites the Constitution. He also cites one of his two Tanner Lecture interlocutors, Brown historian Gordon Wood. His other interlocutor, Princeton's public law scholar Robert George, is thanked along with Wood in the acknowledgments, but is otherwise ignored.

Too bad, because in George's public comments at Harvard, he politely pressed Justice Breyer on certain cut-to-the-quick questions about "active liberty." To wit: "Why should anyone believe that courts are inherently superior to legislatures in discerning purposes and evaluating consequences in light of them . . . and in trying to

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authority, Miers might have
nswered George's questions with a simple but sincere, "Well, I don't suppose judges or courts should be doing that, now should they?" But Breyer is no Miers. In essence, his erudite answer to George is that it takes an intellectually active activist judge like, well, him, to realize the Constitution's "democratic objective," including in cases where persistent popular majorities, and duly elected federal, state, and local representatives, beg to differ with the judge's own values and views.

Breyer is all for "judicial modesty" because the "judge, compared to the legislator, lacks relevant expertise." But, you see, "the courts should take greater account of the Constitution's democratic nature when they interpret constitutional and statutory tests," and thereby "bring us closer to the proper balance to which Constant referred."

Breyer follows Constant, an early 19th-century French theorist, in distinguishing between "the liberty of the ancients"—an "active liberty" in which "a nation's sovereign authority" is shared by all citizens (deliberating, voting, holding government officials accountable for any misdeeds)—and the "liberty of the moderns," a "civil liberty" in which government's authority is strictly limited and all citizens think, speak, and act "free of improper government interference." Breyer finds "in the Constitution's democratic objective not simply restraint on judicial power or an ancient counterpart of more modern protection, but also a source of judicial authority and an interpretive aid to more effective protection of ancient and modern liberty alike."

And that's just the warm-up. Federal judges should work to "yield better law—law that helps a community of individuals find practical solutions to important contemporary social problems." Why, all they need to do is what policy analysts, public administrators, and elected officials often try to do, with only mixed or poor results. All they need to master is the conditions under which given social problems can predictably and reliably be ameliorated, then figure out realistic ways to foster those conditions without violating anyone's basic civil rights or liberties, without disregarding any deep-seated splits in popular opinion, and without draining the public's purse.

Breyer acknowledges the possibility that judges are no better than legislators at producing desirable "real-world consequences." He also admits that some citizens "fear that, once judges become accustomed to justifying legal conclusions through appeal to real-world consequences, they will too often act subjectively and undemocratically, substituting an elite's views of good policy for sound law." In a typical passage, he reassures those who fret about federal judges' usurping too much power that "courts need not totally abandon what I have referred to as judicial modesty."

> Courts can defer to the legislature's own judgment insofar as that judgment concerns matters (particularly empirical matters) about which the legislature is comparatively expert, such as the extent of the campaign finance problem. . . . But the courts should not defer when they evaluate the risk that reform legislation will defeat the participatory self-government objective itself.

Got that? Justice Breyer has just explained that the courts need not "totally abandon" straightforward fidelity to what the law or the Constitution says; that federal judges can and should decide when Congress is "comparatively expert" and when it is to be ignored; and that, with Constant-quoting jurists like him to guide us, the nation's highest court must answer to a higher truth.

What higher truth? Not "the laws of nature and of nature's God," referenced in the Declaration of Independence, or anything else actually argued by the Founders. Rather, Breyer's higher truth is "active liberty," or, as he stated, the "participatory self-government objective itself." And take heart, for he is intellectually ready, willing, and able to tell us all exactly what the "participatory self-government objective itself" means and how it applies.

For example, he explains how the First Amendment strictly "prohibits government from providing vouchers to parents to help pay for the education of their children in parochial schools." Well, not exactly. He confides that he had to do some intellectual heavy lifting before reaching that conclusion. First, he had to "interpret the clause more broadly than the Framers might have thought necessary." Then, he "turned to consequences," seeing "in the administration of huge grant programs for religious education the potential for religious strife."

Never mind that no such "huge grant programs" were truly at issue in the 2002 case in which he dissented (*Zelman* v. *Simmons-Harris*). Never mind that, since 1996, Congress has passed laws to reduce discrimination by government against community-serving, religious, nonprofit organizations that serve civic purposes. No matter that many low-income, inner-city parents want the choice, or that some have organized politically and exercised their "active liberty" to get it. And so what if empirical research on such programs' "real-world consequences" is mixed?

Breyer's views on the First Amendment's two religion clauses, and many other matters, are generally shared by Justice David Souter. When George H.W. Bush nominated Souter in 1990, some conservatives grumbled; after all, nobody seemed to know much about the reclusive state judge from New Hampshire, and there was some evidence that he leaned left, not right. But Souter, perhaps because he was obviously a bookish guy, did not have conservative elites fly into anything like the fuss they made over the Miers nomination.

In the critical cases, Souter, like Breyer, normally votes contrary to

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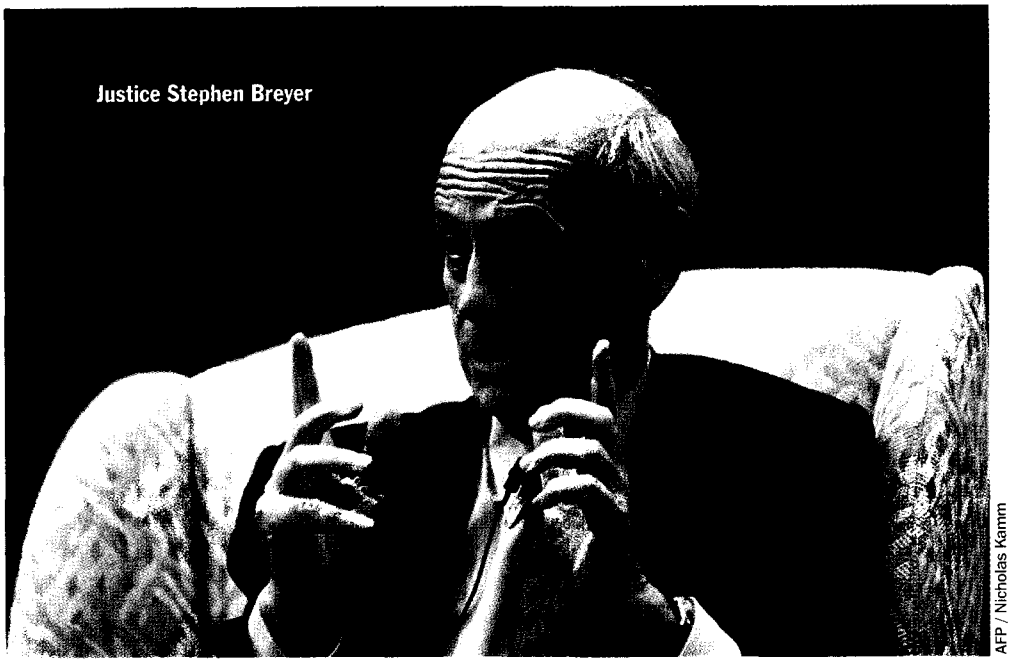
Scalia. Whatever one thinks about Scalia as the model jurist—and personally, I think he has been wrong in more than a few cases—the notion that Miers could not help super-smart Scalia persuade brainy Breyer or his liberal brethren assumes that the latter are, in fact, persuadable. But in a 16-page afterthought labeled "A Serious Objection," Breyer constructs and rebuts straw men where Scalia's contrary jurisprudence and counterarguments to "active liberty" are supposed to be. This is not too surprising, since Breyer begins the book by reading into the Constitution, and into the Founders' minds, ideas and preferences that are mostly all his (or his and Constant's), not theirs.


Justice Stephen Breyer

AFP / Nicholas Kamm

"Consider," he writes, what James Madison, the Constitution's chief intellectual architect, "called the problem of 'faction.' As described by Gordon Wood, the problem grew out of the fact that the new nation encompassed divergent social, economic, and religious interests."

As described by Wood? At points it seems that the good justice has not read Madison at all closely for himself. As Madison writes in *Federalist* 10, "A landed interest, a manufacturing interest, a mercantile interest, a monied interest, with many lesser interests, grow up of necessity in civilized nations." He defines a faction as any group of citizens who attempt to advance their ideas or interests at the expense of other citizens' rights, or in ways that conflict with "the permanent and aggregate interests of the community" or "public good." Even if all citizens share the same ideas and interests, they will still find reasons to "vex and oppress each other" rather than "cooperate for the common good." Religious differences, loyalties to different leaders, even "frivolous and fanciful distinctions" can be fertile soil for factions. In sum, people, including people who hold office or sit on the bench, are factious by nature: The "causes of faction" are "sown" into their very being. "Liberty is to faction what air is to fire," but depriving citizens of their liberty would be a cure "worse than the disease."

Constitutionally speaking, the difficult trick is to establish and sustain a form of government that is likely to serve the public good through the evenhanded "regulation of these various and interfering interests." Madison teaches that a "well constructed Union" can "break and control the violence of faction." In *Federalist* 51, he adds that "in framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself."

The real and uncut Madison thus sometimes rubs Justice Breyer the wrong way. The federal courts, including the Supreme Court, have their critical role to play in fostering and maintaining the nation's constitutional balance. Chief Justice Marshall and his successors often duly expanded the Court's powers and prerogatives. Had they not done so, had the federal judiciary remained the anemic institution defended by Alexander Hamilton in *Federalist* 78, the Court would have been not only the "least dangerous" branch, but also the branch least useful and least true to our representative democracy.

Just the same, through separated powers, checks and balances, federalism, and other constitutional contrivances, the federal judiciary's role is most decisively *not* to shill at will for anyone's, or any one faction's, favorite conception of the public good. That would include Breyer's self-styled desire to promote "active liberty" from the federal bench.

When Justice Breyer's bend-a-flex Madison can't be bent enough to endorse whatever conclusion "the democratic objective itself" favors, Madison, judicial modesty, the law's letter, and constitutional precedents get a quick makeover or a pink slip. Take campaign finance reform. "Madison," writes Breyer, "who decried faction, thought that Members of Congress would fairly represent all their constituents, in part because the 'electors' would not be the 'rich' any more than the 'poor.' But this kind of statement, while modestly helpful to the cause of campaign finance reform, is far from determinative." Instead, we must "remove our blinders" and pay "increased attention to the Constitution's general democratic objective."

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By so liberating ourselves in deference to active liberty, "it becomes easier to reach a solution."

Too easy, your honor. Breyer also does the greatest progressive jurists of the 19th century a disservice in claiming their authority for his own project. I concur warmly with him that many rulings by the New Deal Court and the Warren Court—on employment rights, on criminal defendants' rights, and on voting rights, to cite just three areas where those courts upset many conservatives—were at once morally right, constitutionally sound, and duly expanded "the right to participate in government."

But, contrary to how Breyer appropriates them to his cause, the last century's leading liberal jurists did not (as it were) routinely stack the constitutional interpretation deck so as to deal out more "active liberty." One came pretty close: Justice William O. Douglas. Back in 1969, Douglas, then a 30-year veteran on the Court and its best-known liberal, wrote a book entitled *Points of Rebellion*. Breyer does not cite it, but he should have. It reflects, for its time, the judicial mindset that he favors—minus, however, obfuscating references to supposed intellectual authorities, and unburdened by what the last four decades have taught us all (well, almost all) about liberal social engineering.

Thus, where Justice Breyer writes that judges can "find practical solutions to important contemporary social problems," Justice Douglas proclaims "a start towards reconstructing our society." Where Breyer invokes judges' duty to increase "the scope of the right to participate in government," Douglas rallies citizens to join "the legions of dissent." And in practicing what Breyer calls "interpreting our democratic Constitution," Douglas found "penumbras, formed by emanations" in the Bill of Rights (his famous majority-opinion dictum in *Griswold* v. *Connecticut*). Douglas also occasionally landed to the left of even his liberal colleagues, as when he argued (in *Ginsberg* v. *New York*) in dissent that the Constitution invalidates longstanding state laws restricting minors' access to pornography.

But Breyer is no Douglas, either. Despite his liberal passions and overarching social vision, Douglas was never so intellectually self-assured. For instance, in 1947, in *Everson* v. *Board of Education*, the Court declared that strict church-state separation was required by the First Amendment, and applied, by way of the Fourteenth Amendment, to state governments as well. In 1952, in *Zorach* v. *Clauson*, Douglas forcefully underlined *Everson*'s no-aid separation message, but also noted that the First Amendment did "not say that in each and all respects there shall be a separation of Church and State," for if it had, "the state and church would be aliens to each other."

"Americans," Douglas declared, "are a religious people whose institutions presuppose a Supreme Being."

By contrast, in *Zelman*, the 2002 school vouchers case, Breyer could not join Justice Sandra Day O'Connor in holding that, consistent with constitutionally kosher neutrality principles (no proselytizing, no funds for sectarian worship, no aid for religious instruction), and given that the program embodied true private choice, the program did not violate either First Amendment religion clause. Predictably, in 2004, he was with the majority in *Locke* v. *Davey*, holding that the state of Washington was free to prevent a student the use of state scholarship funds to obtain a devotional theology degree.

To be clear, I thought that both *Zelman* and *Locke* were rightly decided (Scalia endorsed *Zelman* but dissented strongly in *Locke*). As Chief Justice Rehnquist wrote in the latter opinion, "the link between government funds and religious training is broken by the independent and private choice of recipients." But, then again, the late chief, like the retiring Justice O'Connor, did not have any all-purpose intellectual approach to "interpreting our democratic constitution."

In fairness, Justice Breyer's opinions on administrative law, intergovernmental relations, and other issues are hardly all constitutionally incorrect. Nor does he claim that he is always right on religion or other matters.

"I am not arguing here," he writes, "that I was right in any of these cases. I am arguing that my opinions sought to identify a critical value underlying the Religion Clauses. They considered how that value applied in modern-day America; they looked for consequences relevant to that value. And they sought to evaluate likely consequences of that value."

Right. But for all his morally well-intentioned and intellectually demanding identifying, considering, and weighing, did Breyer ever truly reach a decision that did not sit well with his own Constant-hugging values and views? And would it not be better for all American citizens if he and other decent progressives on the federal bench reached for the Constitution first, not last, and imbibed good reasons to be less, not more, likely to "totally abandon judicial modesty" or rewrite laws as they see fit?

William F. Buckley Jr. once quipped that he would rather be governed by the first few hundred names in the Boston phone book than by the Harvard faculty. Me, too; but even on the Supreme Court? Yes. The Supreme Court is not an institution that requires its members to be intellectuals, and intellectuals on the federal bench, both left and right, may be especially prone to go a bit haywire. The Court is a place for well-trained lawyers who hold the Constitution and the country dear, keep the Federalist Papers near, and restrain the government from trifling with citizens' rights and liberties, including, but not limited to, the rights associated with participating in our representative democracy.

Almost all that the Court decides, like most that any legislature decides, involves conflicts among and between competing human desires and beliefs. Breyer cites Sir Isaiah Berlin on negative versus positive liberty, but he somehow missed Berlin's central argument that we can't have it all. "Freedom for the pike," in a favorite Berlin phrase, "is death for the minnow."

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Equality, liberty, justice, security—there are many good things that we desire. But the human condition is such that we are forced to trim, to compromise, to get more of one good thing at the expense of getting less of some other good thing. Politics in a free society, under a constitutional government, cannot transcend the human condition, but it can establish some rules, help to ensure fair play, give people a voice to claim or complain, make the inevitable clashes among and between what Madison called "factions" progressively less painful to those on the short end, and give the losers practical reasons to hope that, on the next round (or next vote, next legislative action, or next Court ruling) they might win—or at least get more of what they want.

Intellectuals in judicial robes, whether liberal or conservative, are more, not less, likely than well-meaning lawyer-mortals to succumb to the delusion that, in their favorite jurisprudence, in their constitutional theory, in their latest civic epiphany, there lies a court-approved way to have it all. Scalia is a better jurist than Breyer, not because he is a better intellectual (though I would say he is) but because he has settled upon the one, and the only, approach to interpreting the Constitution that tethers the judge's reasoning to what the Constitution itself says, and to what the democratically enacted laws that stand in for the rest of us require. It is the only approach that keeps those on the federal bench from routinely thinking and acting like philosopher-kings rather than as public servants with a special, but limited, constitutional role to play.

I would rather have a Samuel Alito on the bench than a Stephen Breyer, but I'm not sure that I wouldn't also rather have a Miers on the bench than a Breyer. And given that we cannot always have it all, I'm not sure that, if forced to choose in future circumstances, some conservatives who believe that nominating an ostensible intellectual lightweight to the bench was such a huge and obvious mistake might not end up favoring the lesser intellectual.

I certainly might. ♦

First First Lady

Martha Dandridge was more than just Mrs. George Washington. **BY RACHEL DICARLO**

Finding enough new or interesting material about Martha Washington to fill a whole book promises to be a daunting task. Compared with other first ladies of her time—like the opinionated spitfire Abigail Adams or the renowned political hostess Dolley Madison—Martha Washington doesn't seem to offer much glamour apart from her marriage to George. Even that topic, her relationship with America's most famous Founding Father, proves difficult to investigate. So intent was Martha on keeping her marriage to George private that, at his death, she burned some 41 years' worth of their correspondence. Only five letters survived the flames.

Martha Washington
An American Life
by Patricia Brady
Viking, 276 pp., $24.95

Using those letters, along with a smattering of Martha's correspondence with friends and family, various anecdotal accounts of her contemporaries, and a vast knowledge of 18th-century American life, Patricia Brady has produced a full and dazzling new biography of the first first lady—from her days on the Dandridge family farm to her final years as the widow Washington.

Brady weaves Martha's story—her childhood, two marriages, motherhood, devotion to her husband during the Revolution, and her role as First Lady—together with George Washington's career, while drawing special attention to the qualities in Martha that are often overlooked. She reveals a shrewd businesswoman, a patriot, and a president's lifelong confidante.

Martha Dandridge, nicknamed Patsy, was born a fourth-generation Virginian on her mother's side. The Dandridges were planters, but not wealthy by any stretch, which meant they did much of the work themselves. Young Martha killed and plucked fowls; made dyes, soap, and home remedies; sewed clothes, curtains, and linens; stuffed pillows and mattresses; beat the dust out of rugs; cured meats; and washed the clothes every week in a big boiling kettle.

But she also learned how to be a lady. Martha's family, like most Virginia planters, revered the manners of the British aristocracy, and so they taught her how to sit, bow, dance, manage her skirts, and ride a horse stylishly. At 17, the pretty young Martha had met every nearby bachelor and widower. (The striking illustration of her on the book's front cover will surprise anyone who pictures a plump, frumpy, gray-haired Martha Washington.)

Despite the lack of a substantial dowry, she got engaged to Daniel Parke Custis, the son of one of the wealthiest men in the Virginia colony. When his father, Colonel John Custis, by all accounts a mean and miserable man, found out, he flew into a rage and threatened to throw the family silver into the road rather than let a Dandridge girl use it. In an early testament to her character and gumption, Martha managed to arrange a meeting with the colonel himself. Her charm impressed the old man so much that he consented to the marriage. As amusing evidence of Colonel Custis's crustiness, Brady includes the epitaph he insisted be placed in his will:

Under this Marble Tomb lies the Body of the Honorable John Custis, Esq.

Rachel DiCarlo is a Phillips Foundation fellow.

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Martha Washington

Viking Press

of the City of Williamsburgh and the Parish of Bruton
Formerly of Hungers Parish on the Eastern Shore of Virginia and County of Northampton the Place of his Nativity
Aged 71 Years and yet liv'd but Seven Years
Which was the space of time He kept A Bachelors house at Arlington
This inscription carved at his express orders.

With Daniel's father gone, it was a happy and prosperous household. Martha had been transformed from a simple farm girl to a gentrified member of the plantation elite. The author doesn't gloss over the fact that the Custises, like all planters, owed their prosperity to the 300 slaves who tilled the fields. At that time only a few Americans, mostly Quakers, had begun to speak out against the evils of slavery. The Custises were not among them. Martha treated her slaves kindly, but believed black servitude to be the natural order of things.

Times got tough for the new family after two of their four children died. Then Daniel, too, fell ill in the summer of 1757, and soon followed them to the grave. Martha, as the widow of a property-owning man, found herself in a unique position: She was free to make any decision she liked about her future. It would have been eccentric for her to remain unmarried, and so by the spring of 1758 she had two suitors.

George Washington wasn't wealthy or instantly infatuated with Martha, like her first suitor, Charles Carter. But he was tall, handsome, physically powerful, and gaining military and social status in the colonies. He was also always falling in and out of love. Most recently, he had become lovesick over Sally Cary Fairfax, a married woman whose husband's rich and influential family George venerated. Fairfax tormented him with her flirting, but neither wanted to run off and live as outcasts on the edge of society. So George continued pursuing Martha.

Luckily for him, Martha had fallen in love. As she got to know George, Martha, Brady writes, "discovered an honorable gentleman who would never embarrass her, a kind man who would love the children, hers and theirs, a man faithful to his word who would safeguard the Custis inheritance." And what George wanted most was to make a home with a warm and decent woman.

Yet even after he was engaged to Martha, George sent at least two babbling, forlorn letters to Sally Fairfax. Her teasing replies probably highlighted Martha's virtues and exposed Fairfax as silly and disloyal. George remained committed to Martha, and she to him. Any lingering preoccupation with Fairfax soon halted. Brady writes, "Whatever [Martha] may have guessed about his feelings for Sally Fairfax, it took a woman of rare self-confidence not to cross-examine him or create jealous scenes. . . . Martha greeted Sally's overtures with sunny good nature, accepting the Fairfaxes as lifelong friends. George's anguished fascination cooled into a friendship."

The Washingtons never managed to have their own children, but they passed the time at Mount Vernon pleasantly with her children, Jack and Patsy, and a bevy of nieces and nephews. Martha saw these as their golden years.

The years that followed proved more difficult. In 1775 George accepted the position of commander in chief to form a national army to fight the British, although he did so, as he wrote, "at the expence of my domestk ease & happiness." For eight years he remained in the field while Martha stayed at Mount Vernon. They missed each other terribly and corresponded in seemingly urgent tones. The sudden deaths of Jack and Patsy compounded Martha's loneliness. Meanwhile, as the war dragged on, the rumor that British marines could sail

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up the Potomac and kidnap her from Mount Vernon provided yet more anxiety.

Every winter Martha made the long journey north to Valley Forge and other camps to be with her husband. Her carriage arriving let the men know that the fighting had definitely ended for the year. There, she played the tender matriarch—a kind, older woman comforting sick or wounded soldiers.

At the end of the war, when Washington gave up power to the civilian authorities, Martha anticipated they would live out the rest of their days quietly. She resisted all attempts to be made a queen, just as her husband refused to be king. But when he was elected president she dutifully went with him to the capital for eight exhausting years that saw the rise of partisanship through press attacks on the president by fellow Founders such as Thomas Jefferson and James Madison. By the end of Washington's second term, Brady writes that Martha and George "left for Mount Vernon as though they were departing for the promised land."

When the president died in 1799, Martha was so prostrate she could barely speak. She closed off their bedroom and never slept there again. She satisfied myriad requests for mementos of her husband's presidency and faithfully executed his estate, most notably by setting his slaves free. When Jefferson came to office in 1801, she openly and viciously criticized him. She never forgave him for what she saw as Jefferson's betrayal of her husband. She died the next year.

As Brady shows, to obscure Martha's life and influence in her husband's life is to obscure his complexities. Washington was surely a great man—but he was also prone to bouts of insecurity, anger, and depression. Martha was the only person in whose presence he felt truly comfortable. He could be himself with her, and she was always there comforting him, talking him through hard times, and helping negotiate America's brand-new political climate. Without her he might have been a different man. ♦

Out of Sunning

Solving the mysteries of Agatha Christie's

BY THOMAS SWICK

The dilemma facing travel writers—how do you write about the world when practically every place has been visited, if not written about, already?—is producing interesting responses.

Many travel books have become more analytical, in an attempt to penetrate the well-photographed façade (Pico Iyer leads this charge); while others have become more domestic, looking not at the places we visit but at the places we inhabit (think Jonathan Raban). And a number of writers, still infused with old-fashioned wanderlust, have enthusiastically set off, not to blaze new trails but to plod in the footsteps of those who have gone before. If you can't beat 'em, trace 'em. In *Travels with a Tangerine*, Tim Mackintosh-Smith replicated the journey from Tangiers to Constantinople of the great medieval explorer Ibn Battutah, and in *A Sweet and Glorious Land*, John Keahey traveled around southern Italy in search of George Gissing.

Though not a travel writer, Bernard-Henri Levy recently traversed the United States, shirt unbuttoned to the wind, with Alexis de Tocqueville by his side. Welcome the follow-up travel book.

And now at your local bookstore we find *The 8:55 to Baghdad: From London to Iraq on the Trail of Agatha Christie* by the English travel writer Andrew Eames. Eames's dearly departed panion for the journey seems at first glance an unlikely choice. (Not Gertrude Bell? Not Freya Stark?) Yet on a visit to Aleppo to visit the famous *souk*—"the longest roofed market in the world"—Eames was invited to tea by the proprietor of his hotel, and heard the man's mother say that the famous mystery writer came to Aleppo "to do her shopping. And to get her hair done. From Nineveh. With Max."

The 8:55 to Baghdad
From London to Iraq on the Trail of Agatha Christie and the Orient Express
by Andrew Eames
Overlook, 401 pp., $24.95

Max, Eames subsequently learns, was Christie's second husband, an archaeologist whom she had met in Ur, and with whom she "spent thirty winter seasons living in testing conditions 3,000 miles from home, in a land of Kurds, Armenians and Palestinians, doling out laxatives to help the sheikh's wives with their constipation." Eames decides to travel to Iraq just as she had, by train from London.

Actually, he sets out on the eponymous 8:55 from Sunningdale, the commuter town where Agatha spent the last four unhappy years of her 14-year marriage to Archie Christie. Arriving at Victoria Station, and boarding the restored Venice-Simplon Orient Express, Eames interlaces the story of the bestselling author with that of the international train, and makes the very reasonable claim that the latter's survival, albeit in a truncated and high-end form, is partly due to the former's most famous novel. The saving power of murder.

As the journey proceeds, the reader feels triply blessed, getting two learned and lively tales tacked on, always gracefully, to the vivid account of an epic

Thomas Swick, travel editor of the South Florida Sun-Sentinel, *is the author, most recently, of* A Way to See the World: From Texas to Transylvania with a Maverick Traveler.

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Agatha Christie, 1926

Getty Images / Hulton Archive

railway journey and its own co-mingling of countries, characters, scenery, arcane knowledge, political history, literary digressions, archaeological asides—that rich gallimaufry that caused Evelyn Waugh to claim that he preferred "all but the very worst travel books to all but the very best novels."

The 8:55 to Baghdad is one of the better ones, and it really hits its stride in the former Yugoslavia. In Slovenia Eames digs up a retired reporter who interviewed Christie on one of her visits to Lake Bohinj, and he tells us that, having been translated into 112 languages, she falls between the Bible and Shakespeare. In Zagreb he finds the history-obsessed Croats "like a tribe of Latin teachers, well-meaning, socially unsure of themselves and a little off-fashion, and very expert in a subject which was largely irrelevant to today's world."

Further down the line he talks to people who give credence to the cliché that Serbs are interested only in making love *and* war; then meets a young woman in Belgrade who spends her evenings with her father watching fishing programs on the Discovery Channel. "Because," she tells him, "it's incredibly peaceful."

And for anyone nostalgic for the days when the sun never set on the British Empire, Eames introduces Stephane Lambert, an English real estate agent doing a brisk business on Bulgaria's Black Sea coast selling homes to his countrymen who can't afford Tuscany or the Costa del Sol. Under the Balkan Sun.

When not meeting memorable characters, Eames turns his attention to his surroundings, with felicitous results. Istanbul's ferries are like "an extended family" with "short, fat and pompous uncles" and "long, elegant and languid aunts." The skyline of Damascus is studded with "the occasional set of egg-box domes rippling in the waves of heat."

The tension builds as he gets closer to Iraq. He hooks up with a tour group, on a lowly bus, at a time when U.N. weapons inspections are still going on. The vehicle holds, not surprisingly, an odd bunch, which includes four elderly women: two English, one German, one French. There is also a young American, Sean, traveling with a boom box. At the border, men under 60 and women under 50 are all required to submit to an AIDS test. (A few of the senior ladies complain, with mock indignation, of discrimination; Eames astutely travels with his own needle.)

It's your standard package tour: the Iraqi Museum (founded by Gertrude Bell, looted four months after the group's visit); Saddam City (actually, Eames has to see this on his own); the Minaret of Samarra (atop which Eames finds a group of Iraqi teenagers high-fiving Sean, who later tells the author that if Americans could see him showing friendship toward Iraqis they would label him "a national traitor." It is one of the few times when you wish Eames hadn't just let a statement stand).

The story of illustrious trains (Eames's fascination extends to the Taurus Express, which once traveled between Istanbul and Damascus) is replaced by that of ancient civilizations. And antagonistic sects. Though away from the ruins, Eames finds the people unfailingly friendly toward foreigners, while generally resigned to the inevitability of war.

His descriptions of contemporary anxiety contrast sharply with the recorded memories of halcyon days on a dig. His group visits Nimrud, where Max "excavated the palace of the Assyrian King Ashurnasirpal II," a discovery that placed him in "the major league of British archaeologists." It was also here that Agatha wrote the introduction to her autobiography, and "spent some of the happiest years of her life."

The group is given a tour by Muzahim Mahmud Hussein, "the frustrated hero of Iraqi archaeology," who made a discovery (of gold-filled tombs) that had eluded Max. As a recently disinterred winged bull is brushed off, he requests that no one take a picture, then adds that they can "tell John"—"by whom he meant John Curtis, the Keeper of the Ancient Near East at the British Museum."

In this engaging book, Eames has now told John, and anyone else who cares to listen. ♦

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Next Stop: Iran

From bad to worse in the Islamic Republic.

BY PETER HANNAFORD

Like a minuet in which the steps are known in advance by all the dancers, the seemingly endless talks of the Europe Three—Britain, France, and Germany—continue. Europe's goal: a promise (merely the latest) by Iran to forswear enrichment of uranium and, hence, nuclear weapons production. Iran's goals: buy time in order to continue its path toward becoming a nuclear power and, simultaneously, separate European policy from that of the United States.

Tehran Rising
Iran's Challenge to the United States
by Ilan I. Berman
Rowman & Littlefield, 204 pp., $24.95

So far, according to Ilan Berman, Iran is succeeding; the Europeans are buying its minuet steps, while the United States masks policy paralysis with occasional declarations of support for pro-democracy Iranian dissidents.

Tehran Rising sets forth the serious and imminent threat Iran poses in its own region and to the United States and its allies. The theocrats who control Iran are using billions of dollars of their oil wealth to develop a nuclear and ballistic missile arsenal, to fuel the Iraqi insurgency, and to develop a web of strategic alliances in the "post-Soviet space"—countries of the former Soviet Union in the Caucasus and Central Asia.

The author contends that Iran's Islamist war against the United States began in 1979—well before 9/11—with the revolution led by the Ayatollah Khomeini. Not long after assuming power, Khomeini declared, "The governments of the world should know that Islam cannot be defeated. Islam will be victorious in all the countries of the world, and Islam and the teachings of the Koran will prevail all over the world." And he lost no time in organizing Iran's radical religious militias in this cause. The *Pasdaran* (Islamic Revolutionary Guard Corps) was organized as a strike force, which, in turn, recruited and trained the *Basij*, a large, radical, "people's" militia whose mission was to maintain internal social order.

Lebanon was the first proving ground for Khomeini's strategy. It signed a military agreement with Syria, then bankrolled and organized Hezbollah in Lebanon. The latter proceeded to carry out attacks on Israel, bombings of the U.S. embassy and Marine barracks in Beirut, and hostage-taking.

Khomeini died in 1989, but any hope that Iran's radicalism would be softened by his successors was short-lived. The new Supreme Leader, Ali Khamenei, and President Ali Akbar Hashemi Rafsanjani, "reaffirmed the centrality of 'exporting the revolution' in the post-Khomeini era," according to Berman. This pair was as good as its word, working with Hezbollah and the Palestinian Islamic Jihad to establish terrorist cadres in Europe. In 1992, in Germany, Iranian and Lebanese radicals assassinated four Kurdish dissidents, and a German court tied this act to senior levels of the Iranian regime, including Khamenei and Rafsanjani.

Berman describes Iran's "informal accord" with al Qaeda, including its willingness to let its operatives transit from Afghanistan to Iraq, hospitality for Ayman al-Zawahiri, and "an intimate relationship" with Abu Musab al-Zarqawi.

Bringing the threat closer to home, Berman quotes a May 2004 speech by a *Pasdaran* official named Hassan Abassi: "We have a strategy drawn up for the destruction of Anglo-Saxon civilization and for the uprooting of the Americans and the English." He claimed that there are 29 sites in the United States, and elsewhere in the West, that Iran has targeted, and "we have already spied on these sites and we know how we are going to attack them." To this should be added the recent pronouncements of Iran's new president, Mahmoud Ahmadinejad, on nuclear weapons and the destruction of Israel.

To make sure readers take all of this seriously, Berman devotes two detailed chapters to the development and implications of Iran's nuclear weapons program (with notes on chemical and biological weapons as well). He says that Iran's nuclear program is scattered over some two dozen sites, making military strikes—such as Israel's 1981 bombing of Iraq's lone nuclear facility—very difficult. He adds that Iran is well along the road to being able to produce enough highly enriched uranium to make 15 to 20 nuclear weapons a year.

The swift collapse of Saddam Hussein's armed forces demoralized Iran's mullahs and their military, the author contends. They decided that "the key to preempting U.S. strategy lies in the acquisition of weapons of mass destruction." Whether their actions were defensive or aggressive is largely beside the point, for the evidence points to an intention to develop nuclear arms capabilities prior to the 2003 invasion of Iraq. In 2002 the European Union decided to revive a "critical dialogue" with Iran, which quickly turned into a discussion of Iran's nuclear intentions and, by 2004, an "accord" by Iran to suspend its uranium enrichment program (an accord soon broken).

Most readers will come away convinced not only that the Iranian threat is real, but also that steps must be taken without delay to prevent its nuclear weapons program from reaching maturity. What are the steps? Berman offers

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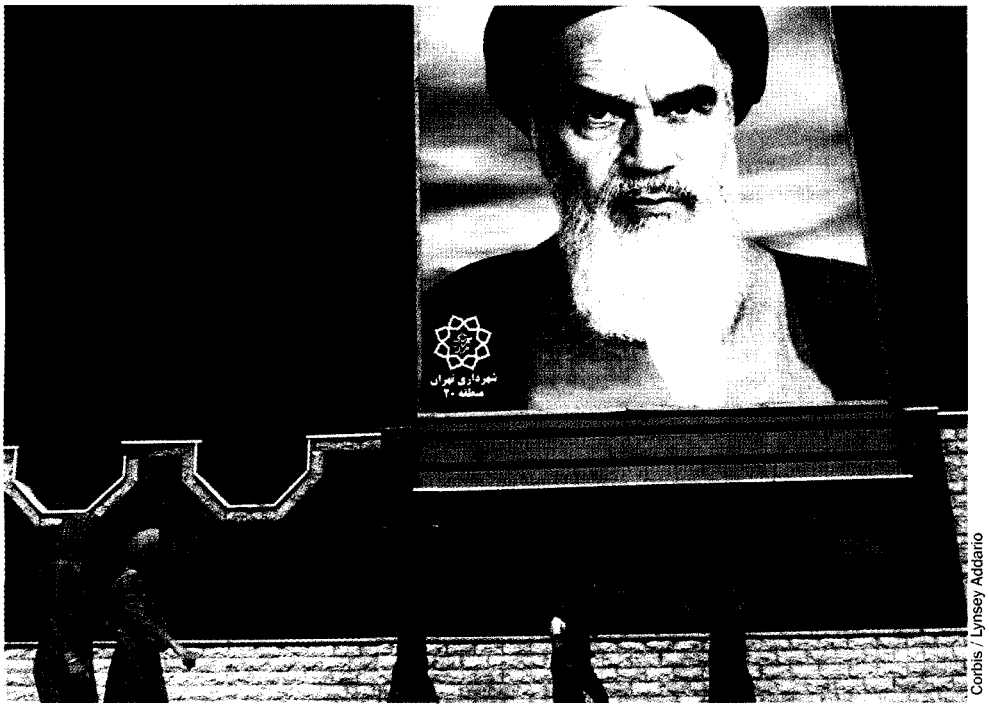

Corbis / Lynsey Addario

A poster of Ayatollah Khomeini in South Tehran

a number of them, but several are likely to require more time than we have to blunt the Iranian WMD program.

First is the U.S.-led Proliferation Security Initiative (PSI), ostensibly supported by 60 nations including Russia. It would be used to share intelligence in order to curb supplies and technologies from reaching Iran. China, North Korea, and Russia have been Iran's principal arms suppliers. Berman cites the U.S.-British interception in 2003 of a ship filled with nuclear centrifuges bound for Libya as an example of "counterproliferation" success. Warming up to Russia could be another one, inasmuch as Iran works steadily to co-opt former Soviet republics, something the Russians don't like. Berman calls for strengthening ties with Caspian nations to bolster their ability to defend themselves. Funding and training the Kazakhstan navy is an example; reviving the Persian Gulf defense alliance would be another.

Probably the most promising element would be a determined effort to support the forces of democracy in Iran so they can gain enough strength to force regime change. Despite Iran's growing military strength, and its efforts to checkmate U.S. and Western interests, the mullahs are not ten feet tall. Half of Iran's population is below the poverty line, 20 percent are unemployed, and inflation is about 25 percent. Corruption in the government is widespread, as are prostitution and drug abuse.

Two-thirds of the population is under 30. Young Iranians have demonstrated, time and again, that they are pro-American. Berman says we must step up public diplomacy, making it part of a strategy to hasten regime change. That means more funding for broadcasting; more pro-democracy material (and less music) on Radio Farda; more materials of all kinds on democracy delivered to the young pro-democrats inside the country.

Not mentioned are "smart" sanctions aimed not at the population, but at the assets outside Iran of the mullahs and their military and civilian allies. Also not mentioned are the opportunities inherent in staffing our interests section in Tehran with professional diplomats, which Iran does with its counterpart in Washington. With approximately 60 diplomats (most of them intelligence-gatherers), the Iranians are very active in Washington.

"With the proper political will," concludes Berman, "Washington has the ability to contain, deter and delay Iran's nuclear ambitions and to empower a post-theocratic transformation within its borders." He has given us a succinct, well-documented case for working up that political will without further delay. ♦

Mahmoud Ahmadinejad

AFP / Getty Images / Behrouz Mehri

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B. Franklin, Moralist

Printer, patriot, scientist, inventor—and philosopher.

BY TIMOTHY LEHMANN

To some, Benjamin Franklin is known as a skillful diplomat and intrepid scientist, one of America's most important and influential Founders. Yet Franklin is also known as something of a didactic boor, droning on about self-denial, discipline, and "virtue." D.H. Lawrence saw in him the personification of Nietzsche's last man, while Max Weber saw in Franklin the archetype of the Protestant ethic at work in America—bland, bourgeois, and eminently prosaic.

Benjamin Franklin Unmasked
On the Unity of His Moral, Religious, and Political Thought
by Jerry Weinberger
University of Kansas, 336 pp., $34.95

There is something—a little something—to these claims, according to Jerry Weinberger, who teaches political science at Michigan State. Yet Weinberger's *Benjamin Franklin Unmasked* offers a revolutionary reevaluation of Franklin's thought, one that unveils Franklin as a far more subtle, complex, and subversive thinker than most have cared to notice.

There has been a spate of biographies reviving interest in the Founders recently, but this is not a biography. Rather, it is an attempt, through a close reading primarily of Franklin's *Autobiography*, to plumb the depths of Franklin's mind and figure out just what he thought about the big questions. And contrary to Franklin's reputation as a humorless stiff, Weinberger reveals him to be a surprising and impressive thinker—a kind of American Socrates who mercilessly refuted his philosophical interlocutors, and whose profound philosophical probity was laced with ironic skepticism. Reading the man's *Autobiography* as the key to his thought, and as his guide to philosophical reflection and self-knowledge, Franklin emerges in these pages as a serious thinker who approached the most important questions with the utmost gravity—and wit.

Weinberger is a scholar schooled by the philosopher Leo Strauss, which means, *inter alia*, that he aims to understand Franklin as Franklin understood himself, and there is no better place to begin to understand a thinker than in his own writings. Weinberger reads Franklin closely, and thereby cuts to the core of the real Ben Franklin, taking seriously the alternately serious and jesting façades that Franklin presented to the world. Like Socrates, Franklin used various methods—what Weinberger calls Franklin's "ironic layers"—and spoke to different people in different ways as he presented his political and moral ideas. On the surface, he reassured readers about decency and morality by exhorting them to conventional respectability. Yet he also purposefully left a host of clues that are intended to lead careful readers to consider his genuine views.

Weinberger carefully follows Franklin's evasive rhetoric, attending to his seeming contradictions, since a man as obviously intelligent and thoughtful as Franklin would not have been ignorant of the contradictions he left in his writings. Franklin recounts his youthful irreligion, which led him to the brink of moral nihilism, while claiming elsewhere that he "never" doubted the existence of God; he generously offers certain precepts that will surely lead to lives lived ethically and virtuously. But on the other hand . . .

Weinberger shows how it is possible to resolve each contradiction by taking the more heterodox reading as closer to Franklin's true understanding. To be sure, Weinberger's reading is itself unorthodox: But consider the paradox of Franklin's views on the equal nature of rights, the foundation of the Declaration of Independence. Franklin believed men were equal, in a certain way, but he was consistently reluctant to endorse Thomas Jefferson's notion of human equality, informed by John Locke, that all men are equal in a state of nature, and he rejected the idea that all men are equally loved in the eyes of God. It was manifestly false, Franklin claimed, that all men are equal in intelligence, ability, natural goodness, or innate dignity.

However, Franklin, in a roundabout way, did endorse the idea that men are equal on the grounds of their mutual ignorance, vanity, foolish opinions, and pretensions to truth: The fact that human folly and imperfection is universal is the true root of equality. In this manner he cuts down our moral pretentiousness but, as Weinberger points out, he does so for the sake of a truly common human morality.

Such conclusions are unlikely to flatter anyone, but the truth, as Socrates pointed out, is often unpleasant. For his unorthodox views Franklin acquired the reputation of a religious skeptic and earned the scorn of many of his good and morally upright fellow citizens. He was even forced to flee Boston at 17 after he acquired a reputation for irreligion. That reputation was, Weinberger argues, well deserved. At the foundation of Franklin's philosophical reflections is the principle, following Francis Bacon, whom he revered, that it is imperative to accept the world as it is, not as we would hope for it to be.

Timothy Lehmann is assistant director at the Project for the New American Century.

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'Benjamin Franklin Reading at His Desk' by David Martin

Franklin was no naive and overly optimistic cheerleader of the Enlightenment, either, his irreverent stance toward religion notwithstanding. Franklin's lifelong enemy was dogmatism of any kind, and he excoriated the "most impious free thinkers" for being dogmatic believers in a manner, too. He teased the high-minded skeptics of the age for their simple-minded credulity, pointing out that it is hardly "easy to disprove spirits" and that it is irrational to deny out of hand the possibility of the divine without knowing for certain the true nature of reality. Franklin's youthful crisis of faith affected him for his entire life, and is one of the keys to understanding his philosophy.

Weinberger's previous work includes a study of the ideas of Bacon, and he emphasizes Bacon's influence on Franklin's own way of thinking. We can see Bacon's influence on Franklin most clearly in his attempt to offer guidance for moral life in the absence of ethical certainty. Whereas Lawrence and Weber took at face value Franklin's advice on living virtuously—guidance based on realistic and pragmatic self-improvement—Weinberger demonstrates how Franklin's guidance for living morally is considerably more complex. He was guided by philosophical skepticism and rejected any clear and unimpeachable guides for living. But as Weinberger also shows, Franklin was a realist who recognized that society depends, to some degree, on false opinions and the necessity of dogma, all the while keeping his distance from claiming certainty about morality. And as with Bacon, the morality that Franklin ironically advocated was based on what human beings could achieve in this world, and not on a superhuman or divine standard.

Franklin was a political creature, but one whose philosophical cast of mind inured him against the anger and indignation typical of politicians. He was also a benevolent free spirit, whose aim in writing was nothing less than liberation from the shackles of ignorance for all who would think for themselves. This useful volume has the virtue of being an education in itself, and will pay rich dividends for those willing to learn from this charming American Socrates. ♦

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"I only need these to find my reading glasses."

Books in Brief

***History on Trial: My Day in Court with David Irving* by Deborah E. Lipstadt (Ecco, 368 pp., $25.95).** Before long the generation of eyewitnesses who survived Hitler's war against the Jews will pass on, thus removing an obstacle to Holocaust deniers. Fortunately, they suffered a setback when Deborah Lipstadt was awarded damages from David Irving in a London courtroom in April 2000. Irving, a prominent World War II historian (at least until the aftermath of the trial) had sued Lipstadt and her publisher, Penguin UK, for defamation following the publication of her *Denying the Holocaust: The Growing Assault on Truth and Memory* (1993). In her book, Lipstadt called Irving one of the most dangerous spokesmen of the Holocaust denial movement.

The ensuing trial attracted a great deal of attention, as a judgment for Irving might have emboldened the Holocaust deniers who claim that the genocide of European Jewry was a hoax. Irving, among his other claims, had declared that there were no gas chambers (he once stated that "more people had died in the back seat of Edward Kennedy's car at Chappaquiddick than ever died in a gas chamber in Auschwitz"), nor was there a systematic extermination of 5 to 6 million Jews, and he absolved Hitler of any involvement in the Holocaust.

History on Trial is Lipstadt's riveting account of the trial. Richard Rampton, Lipstadt's attorney, informed her early on that she would not testify inasmuch as the trial was about what she had written, and putting her on the stand would divert the judge's attention from the main focus, David Irving. Lipstadt writes that she was disappointed that she would not be able to openly express her contempt for Irving, and also "feared that people would think that I was frightened of facing him."

She is silent no longer. The volume under review is Lipstadt's response to the proceedings that some pundits hailed as the most important Holocaust judgment since Adolf Eichmann's trial. Although not the first publication to deal with the subject (see *Lying About History: History, Holocaust, and the David Irving Trial* by Richard Evans, and *The Holocaust on Trial* by D.D. Guttenplan), Lipstadt's book informs us with background information that only an insider can relate. She describes, for example, how her supporters were able to raise $1.5 million for her defense, the strategy that Rampton employed in his cross examination of Irving, and her impressions of the witnesses and personalities that participated in the trial.

Most valuable, however, is Lipstadt's description of how Irving's distortions of the Holocaust were exposed. From the exchange between Irving and scholars on the gas chambers in Auschwitz to the question of the authenticity of Anne Frank's diary, Lipstadt recounts how expert witnesses under oath demolished the manner in which deniers have distorted and lied about the Holocaust.

Unfortunately, Holocaust "revisionism" will not soon disappear. Irving's court defeat was a momentary setback for a movement that seeks to deny the Holocaust so as to rehabilitate Hitler and his racial ideas. Lipstadt's book is a welcome addition to the fight against the distortions and lies that characterize Holocaust denial.

—Jack Fischel

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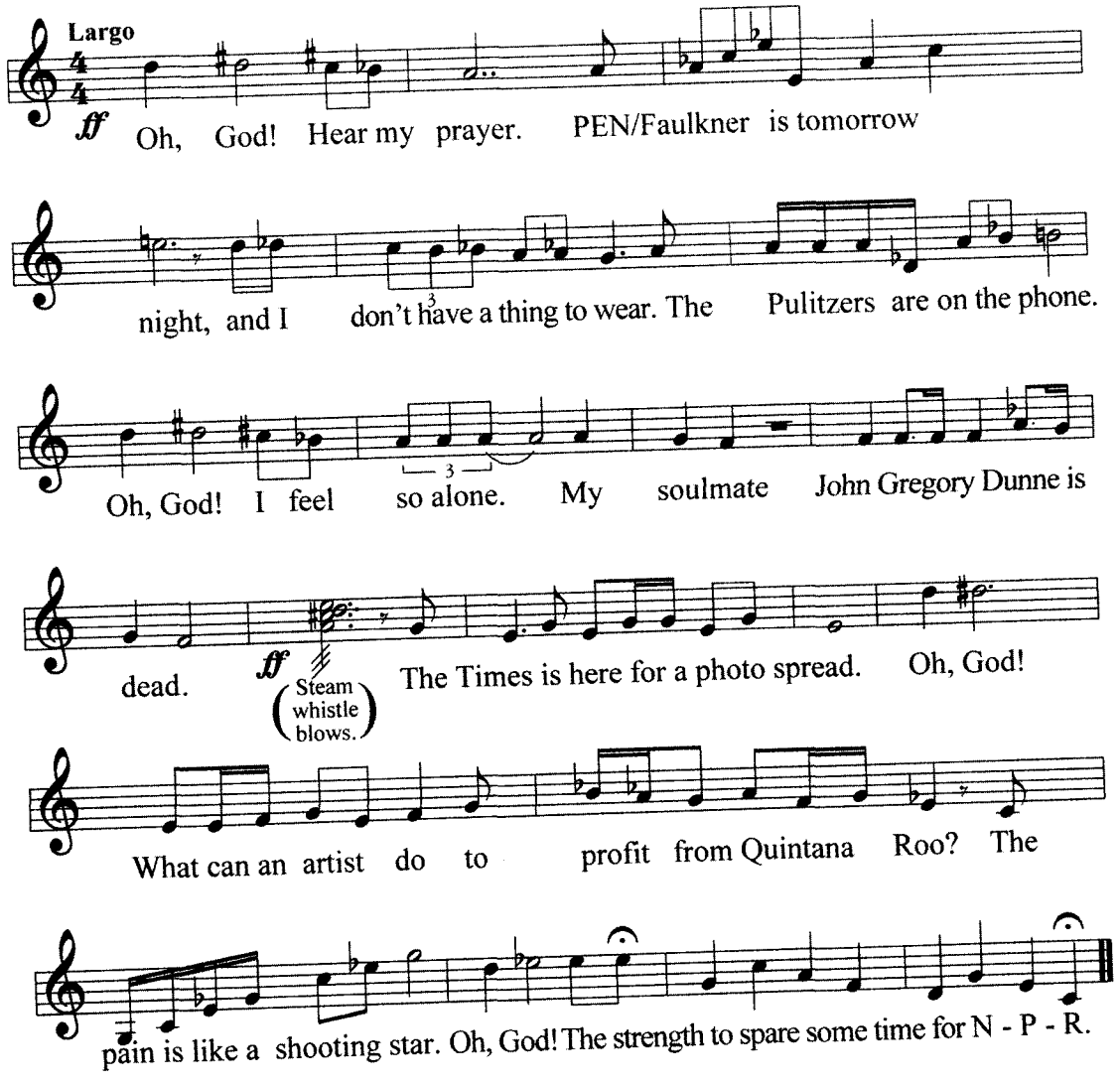
Parody

Continuing a journey from personal testament to cultural touchstone, The Year of Magical Thinking, Joan Didion's best-selling account of the death of her husband, the writer John Gregory Dunne, and the fatal illness of their daughter, Quintana Roo, is being prepared for a completely new arena: Broadway. —New York Times, Dec. 6, 2005

SEND IN THE FROWNS

Music by STEPHEN SONDHEIM
Words by JOAN DIDION



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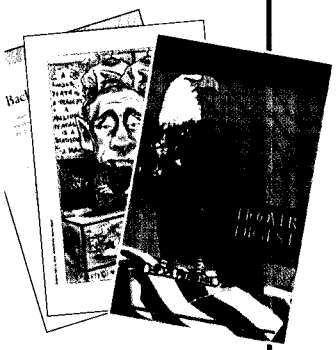

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In the new issue of the Hoover Digest . . .

It's Time to Go Nuclear

Can nuclear power become competitive? Let the marketplace, not the government, decide.

Nuclear power currently supplies about 20 percent of all electricity generated in the United States. Yet this is much smaller than the 70 percent supplied by nuclear power in France, the 33 percent in Japan, and the roughly 50 percent in that highly improbable country, Sweden. And as operating and construction costs of nuclear plants have come down, these plants have become competitive with plants fueled by oil or natural gas.

The risks of nuclear energy are widely exaggerated, and these risks must in any event be balanced against geopolitical and environmental risks from relying on fossil fuels. The time has come, I have concluded, to follow the example set by other countries and remove the many unnecessary regulatory obstacles to the building of additional nuclear power plants.

—Gary Becker

How Can We Reform Our National Security System?

By letting the White House call the shots

In our national security system as it now stands, policymaking has become a process of bureaucratic competition and negotiation, rather than direction and management. Every meeting to coordinate policy delays action, every compromise to accommodate one department or another, waters down decisive action. Day by day, national security policy is smoothed down to the lowest common denominator.

These problems beg for a restructuring of the national security system as sweeping as the Goldwater-Nichols restructuring of the Pentagon. The new national security structure would concentrate policy development in the White House, giving the president the ability to create the equivalent of combatant commanders—four to six "presidential policy directors," each of whom would take responsibility for a component of the National Security Strategy, report directly to the president, and possess the command authority to produce results.

—Bruce Berkowitz and Kori Schake

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